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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1940th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Wednesday, 14 January 2015 at 3 p.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

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Combined third to fifth periodic reports of Mauritius

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Mauritius (CRC/C/MUS/3-5; CRC/C/MUS/Q/3-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mauritius took places at the Committee table.*

2. **Ms. How Fok Cheung** (Mauritius), introducing her country's combined periodic reports (CRC/C/MUS/3-5), said that Mauritius was a party to all major international human rights instruments and that the new Government, which had taken office in December 2014, attached great importance to the rights and participation of the child. The combined periodic reports had been prepared following extensive national consultations with NGOs and civil society.

3. In December 2008, a child mentoring scheme had been set up to provide individualized guidance and support to adolescents with behavioural problems and children at risk of commercial sexual exploitation and violence. The Child Mentoring Committee had been established in 2009 to screen and match children with adult mentors. Also in 2009, the Combating of Trafficking in Persons Act had been enacted, which provided for protection and assistance, repatriation and compensation for trafficking victims. A drop-in centre catered to the needs of trafficking victims, while a residential care facility for victims of commercial sexual exploitation would become operational in 2015.

4. The children's bill, which was currently being finalized, would bring together the various pieces of legislation on children into a single law and would include the provisions of the Convention and its Optional Protocols. Corporal punishment was already forbidden in schools, while corporal punishment in all settings had been included as an offence in the children's bill. A juvenile justice bill had also been drafted in line with the Convention. A national child protection strategy and associated action plan had been developed, and its implementation would be monitored and evaluated. The National Human Rights Action Plan 2012–2020 included measures to protect and safeguard the rights of children. A human rights monitoring committee had been established to ensure that the plan was properly implemented. The National Children Council organized consultations, workshops and developmental activities for children on a regular basis.

5. Education was free up to the tertiary level, and efforts were being made to improve access to education for all children and encourage school attendance, including through a monthly cash transfer scheme for students from vulnerable families who maintained a 90 per cent attendance rate. Consultations were ongoing on introducing human rights in the curriculum for secondary schools. Mauritius had launched an inclusive education policy and thus expected to remove its reservation to article 24 of the Convention on the Rights of Persons with Disabilities once the policy had been fully implemented. A high-level committee had been established with a view to achieving parity in government funding between children with disabilities and other children. Families in vulnerable situations received childcare services, meals, school materials and payment of transport and school fees. Nine child day-care centres had been set up in disadvantaged regions since 2010, and a crèche scheme enabled children from vulnerable families to attend those centres.

6. Public health-care services were free and easily accessible. Nearly 100 per cent of the population had access to potable water and sanitation facilities. Desalination plants were being built on the island of Rodrigues to provide safe drinking water. The Government provided free immunization services for a wide range of diseases affecting infants. Tablet computers were provided to students in secondary schools. A centralized system to filter online access to child sexual abuse sites had been operational since 2011.

7. There were currently no reported cases of children in street situations in Mauritius, though specialized agencies were in place to take prompt action if such children were found. The NGO Service d'Accompagnement, de Formation, d'Insertion et de Réhabilitation de l'Enfant (SAFIRE) received government funding to support its work with street children, and a number of other NGOs working with children also received government support. Capacity-building workshops and consultations had been held for professionals working with child victims of sexual abuse. A community child protection programme provided for the establishment of formal forums comprising stakeholders working with children both from the Government and from civil society. Community child watch committees were involved in identifying and referring cases of violence against children.

8. The Government's priorities concerning the status and welfare of children included: strengthening the Brigade pour la Protection des Mineurs in its fight against children's consumption of cigarettes, alcohol and illicit substances; conducting awareness-raising campaigns on teenage pregnancy; introducing a sexual protection order for children at risk; placing young children of female prisoners in foster families; setting up a special squad to combat child prostitution; and granting more powers to the Ombudsperson for Children.

9. **Mr. Mezmur** (Country Rapporteur) said that the Committee looked forward to the entry into force of the children's bill, which would fully integrate the Convention into national law. He asked to what extent the Equal Opportunities Commission was helping to address discrimination against children, to what extent children had access to the Commission, whether it had the power to grant remedies to victims of discrimination, and whether its members were trained to work with children. He asked how the Government was addressing discrimination against children from disadvantaged backgrounds, children living with HIV and children who used drugs.

10. He wished to know what measures the Government was taking to raise awareness about the importance of birth registration and what the impact of those measures had been. He asked whether the State party was considering ratifying the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons.

11. He wished to know specifically how the children's bill would address corporal punishment in all settings. He asked whether the Child Development Unit had the resources and training needed to address, detect and prevent violence against children at an early stage. He wondered to what extent cases of sexual abuse and exploitation of children, including sex tourism, were being dealt with through the judicial system. Lastly, he asked whether appropriate facilities with adequate standards of care were in place to care for abused children.

12. **Mr. Gurán** (Country Rapporteur) requested further information about the "Working Together" framework and the extent to which it had improved coordination between the different government departments and institutions. He wondered whether the Ombudsperson for Children's Office could receive complaints submitted on behalf of children and whether adequate human and financial resources were available to it. The delegation should describe the progress achieved thus far through the implementation of the National Human Rights Action Plan 2012–2020. Lastly, he enquired about the current status of the children's bill.

13. **Mr. Kotrane** said that he welcomed the progress made concerning the rights of the child in Mauritius and hoped that the State party would continue to make further progress in that regard. He asked whether the State party intended to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and

Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

14. He hoped that the children's bill would be adopted without delay, as adopting such a bill was the only way to fully transfer the Convention into national law under the country's dualist system. He asked why judges could not invoke the Convention in cases involving children. Given that Mauritian law defined a child as anyone who was under 18 years of age and not married, he asked whether a child under 18 years of age who did marry would no longer be entitled to the legal protections established for children.

15. **Ms. Oviedo Fierro** said that, in her view, all judges should be trained in dealing with children and listening to their views, and she requested clarification regarding the conditions that must be met for a judge to take a child's views into consideration. She asked what mechanisms were in place to enable children's participation in school governance, in addition to those allowing them to express their views when behavioural or discipline any problems arose. She wished to know whether the Children's Clubs described in the report were true forums for children's participation or whether they simply offered activities set up for children. She requested further information about how children's participation was ensured in the various other organizations that ran programmes targeting them. Lastly, she asked when the subject of children's participation would be addressed in national legislation and when a national children's forum might be established.

16. She asked whether the State party had made efforts to raise the awareness of parents of the need to supervise their children when they used the Internet. She also wished to know whether there were legal provisions protecting children when they used the Internet and, if so, whether they were systematically applied.

17. **Mr. Mezmur** said that he had understood from paragraph 7 of the written replies to the list of issues (CRC/C/MUS/Q/3-5/Add.1) that the State party planned to elevate the status of the "Working Together" Committee. He requested the delegation to confirm whether that was the case. He asked how the various child protection committees had contributed to the implementation of the Convention and to reducing the prevalence of violence against children in the State party. He also wished to know about the role played by the Office of the Ombudsperson for Children in reviewing laws concerning children and whether children had participated in the consultations on the draft children's bill. He asked whether the human rights training provided by the Office of the Prime Minister covered all human rights or just civil and political rights, and whether school curricula already included a human rights component.

18. **The Chairperson**, speaking in her capacity as an expert, asked whether corporal punishment was prohibited in the home and in alternative care and day-care settings as well as in schools; whether there was a mechanism in place to allow children who had been subjected to corporal punishment to report the act in confidence; and how reports of corporal punishment were followed up. She also wished to know whether all children who were victims of violence, ill treatment or sexual abuse had access to the psychological services provided by the Child Development Unit and whether there was a special procedure for handling court cases involving children who were victims of sexual abuse. She asked whether children who were victims of sexual abuse could report the act without being accompanied by an adult.

The meeting was suspended at 4 p.m. and resumed at 4.35 p.m.

19. **Ms. Goordyal-Chittoo** (Mauritius) said that the establishment of the Equal Opportunities Commission in 2012 demonstrated the country's commitment to combating all forms of discrimination. The Equal Opportunities Act provided a clear definition of direct and indirect discrimination. The Commission's mandate was to eradicate all forms of discrimination in all sectors, including discrimination against children. The Commission

could receive and investigate complaints of discrimination and issue interim orders. It had also published guidelines on non-discrimination for the attention of employers in the public and private sectors. Children could report acts of discrimination to the Commission through a parent, guardian or other responsible adult. Should the conciliatory procedures initiated by the Commission fail, the case could be referred to the Equal Opportunities Tribunal, which could issue orders and award compensation if required. Any failure to comply with an order issued by the Tribunal could lead to criminal prosecution.

20. The Constitution prohibited discrimination against children from disadvantaged or vulnerable families. Mauritius was not yet in a position to ratify the Convention on the Reduction of Statelessness, the Convention relating to the Status of Statelessness Persons or the International Convention for the Protection of All Persons from Enforced Disappearance on account of the numerous policy decisions that had to be taken prior to initiating the ratification process.

21. The draft children's bill gave a comprehensive definition of corporal punishment. However, the bill could still be subject to modification by the new Government or by Parliament. Any person inflicting corporal punishment on a child could be prosecuted under the Child Protection Act or the Criminal Code. The Ombudsperson for Children was an independent body competent to receive complaints, summon witnesses, call for documents and compel witnesses to answer questions. It was also responsible for ensuring that the rights, needs and interests of children were taken into account by public bodies, private authorities and individuals, and for ensuring compliance with the Convention. The new Government had decided to give greater powers to the Ombudsperson for Children to enable her to carry out her mandate more effectively. Her office could review laws concerning children and provide guidance to the relevant government ministries on how to remedy any shortcomings identified. The office reported to and received its budget from the Office of the Prime Minister and was required to submit a report on its activities each year.

22. **Mr. Kotrane** requested additional information on the functioning of and the human and financial resources allocated to the Office of the Ombudsperson for Children. He asked how many complaints it had received.

23. **Ms. Goordyal-Chittoo** (Mauritius) said that the Office of the Ombudsperson for Children had set up a hotline for receiving complaints. The delegation could inform the Committee of the exact number of complaints received by the office at a later date.

24. **Mr. Mezmur** requested additional information on the new powers to be given to the Ombudsperson for Children. He asked whether it systematically provided input into legislative reforms affecting children's rights. He invited the delegation to comment on the seemingly contradictory provisions of the Reform Institutions Act, which provided that no detainee should be subject to punishment or privation of any kind, while advocating the use of reasonable force to maintain order in the institution.

25. **Ms. Goordyal-Chittoo** (Mauritius) said that the Reform Institutions Act governed the treatment of detainees in general in penal institutions and not the treatment of children in penal institutions in particular. The Act provided for the possibility of using reasonable force to maintain order in such institutions should a situation arise in which it became necessary to do so. However, the use of force was not resorted to systematically.

26. The Ombudsperson for Children had taken part in the consultations held during the process of preparing the draft children's bill. The new Government's five-year plan would contain more detailed information on the extended powers to be given to the Ombudsperson for Children. Mauritius had signed the Optional Protocol to the Convention on the Rights of the Child on a communications procedure but was not yet in a position to ratify it. There were already legal procedures in place to deal with the issues covered by the Optional Protocol.

27. **Mr. Kotrane** said that the State party should give serious consideration to ratifying the Optional Protocol, as it would complement the work already being carried out by the Ombudsperson for Children. He asked whether Mauritian children were aware of the existence of the Ombudsperson for Children.

28. **Ms. Goordyal-Chittoo** (Mauritius) said that the Ombudsperson for Children visited both public and private schools on a regular basis and organized workshops on children's rights. Children in Mauritius were aware of their rights and were given the opportunity to express their views on matters concerning them in various forums. Judges could invoke the Convention directly and refer to its provisions in their rulings although some judges remained reluctant to do so. It was hoped that the adoption of the children's bill would lead to more judges invoking the Convention in such a way. The Civil Code provided that children aged 16 could marry with the permission of their parents or a judge. Children who married at age 16 were automatically emancipated.

29. **Mr. Kotrane** said that such a provision existed in many countries. He asked whether a minor who had become emancipated by virtue of marriage who subsequently committed a crime was treated as an adult or a child under Mauritian law. The Committee was of the view that emancipated minors who committed a crime should still be dealt with as children under the juvenile justice system. Emancipation by virtue of marriage should not deprive a child of the protection to which they were entitled under the law.

30. **Ms. Goordyal-Chittoo** (Mauritius) said that the Juvenile Offenders Act defined a juvenile as a person under the age of 18. Therefore, the provisions of the Act still applied to minors emancipated by virtue of marriage.

31. **The Chairperson**, speaking in her capacity as an expert, said that, regardless of whether a minor obtained the permission of their parents or a judge to marry or whether they were emancipated by virtue of marriage, for the purposes of the Convention, it remained a child marriage. She asked whether the State party had considered amending the relevant provision of the Civil Code.

32. **Ms. Goordyal-Chittoo** (Mauritius) said that, while there were no plans to amend that provision, the Government could consider doing so in the future.

33. **The Chairperson** noted that problems with maternal health, including mortality, were more serious for girls who had not reached their full maturity. Information on reproductive health was crucial. Girls should not marry at 16 just because they were pregnant.

34. **Ms. Goordyal-Chittoo** (Mauritius) said that in custody or divorce cases judges could, if necessary, listen to children, although they did not always do so. Children could also be heard in criminal cases in which they were victims or witnesses, either in camera or by video link.

35. **Ms. Oviedo Fierro** said that her concern was that the decision to hear a child in a court of law seemed to depend too much on the discretion of the judge. She therefore asked what mechanisms were in place to ensure that children were indeed heard whenever necessary.

36. **Ms. Goordyal-Chittoo** (Mauritius) said that the two to three Supreme Court judges who oversaw cases involving family matters had received general training in human rights, including the rights of children. More training programmes were being developed. The target audience was all persons working with children, including law-enforcement and judicial personnel.

37. Measures had been taken to block some Internet sites inappropriate for children. In addition, the country's main Internet service provider customarily informed subscribers of

the blocking devices meant to keep children safe on the Internet. The Computer Misuse and Cyber Crime Act also helped keep the Internet safe for children.

38. **Ms. Oviedo Fierro** asked whether there was any existing legal provision dealing specifically with the use of the Internet by children.

39. **Ms. Goordyal-Chittoo** (Mauritius) said that the Computer Misuse and Cyber Crime Act dealt with computer and Internet use by all persons, including children.

40. **Ms. Chooramun** (Mauritius) said that under the Civil Status Act births were to be declared within 45 days. That number of days was necessary because parents often found a name for their children only some time after they were born, and a child without a name could not be registered with the Civil Status Office. A declaration of birth more than 90 days late required a court order. The Ministry of Gender Equality, Child Development and Family Welfare facilitated the process, making every effort to expedite the paperwork, which involved the district courts, the police and other stakeholders. The police inquiry took time, and if no parents could be found, the child could be registered by a unit of the Ministry itself. A fast-track system, which involved all stakeholders, had reduced what had once given rise to a considerable backlog.

41. In 1998 the National Children Council initiated the creation of children's clubs. At the outset, those clubs had been planned for children in low-income areas, but in 2010 schoolchild protection clubs had been set up in approximately 100 primary and secondary schools attended by students of diverse socioeconomic backgrounds. One of the objectives was to provide a venue for children to express their views. Work was currently under way on the development of another formal body, the National Children's Committee. It, too, would provide children with a forum for making their voices heard.

42. **Ms. How Fok Cheung** (Mauritius) said that the curricula for lower secondary students from 11 to 14 years of age were currently undergoing review. Human rights education, including children's rights, had been included in the course programmes for social studies.

43. **Mr. Mezmur** requested information on the exact status of the National Child Protection Strategy and Action Plan, which was mentioned in the replies to the list of issues as having been "prepared". He also asked what the time frame for adoption and implementation of the children's bill was; whether the State party had considered evaluating the system for protecting children who were deprived of their family environment, not least to ensure that poverty was not the sole reason that children were deprived of that environment; whether it was taking steps to deinstitutionalize children; and, if such steps were being taken, how family reunification was ensured. He also wished to know whether there was a programme in place to professionalize the persons active in the informal system of foster care, whether the Mauritian Government considered the need to move children aged under 3 from institutions to alternative care a priority and, if so, what was being done to meet that challenge. In addition, more information on the extent to which the authorities supervised the providers of alternative care would be welcome.

44. He requested comment on the accuracy of reports that parents were keeping their children out of pre-primary schools until they reached the age of 4, at which a government subsidy for preschool education took effect. Reports had also indicated that schools in Mauritius, which in 2006 had been hailed as one of the three countries in Africa offering a genuinely free and compulsory primary education, were disregarding the capacities and limitations of individual students. For that reason, he wished to know what the schools were doing for students who were unable to pass school-leaving examinations and what the Government was doing to facilitate access to vocational training for students who dropped out of secondary school. Lastly, he requested comment on the possible impact on free primary education of the apparent growth of the private educational system.

45. **Mr. Gurán** asked whether general comments Nos. 12 and 14 had been made available in translation in Mauritius and what was being done to raise awareness, among the relevant specialists, of the issues related to those comments.

46. **Ms. Al-Shehail** asked what financial and technical support the Government had provided to deal with maternal health problems and increase low birth weights. In that connection, she wished to know whether there were any outreach services that targeted pregnant women and mothers of vulnerable families. She also asked whether substance abuse awareness programmes were part of school curricula and requested comment on reports that methadone substitution therapy was inaccessible to minors. Information on the steps the authorities were taking to deal with the consequences of inaccessible rehabilitation services would be welcome. Lastly, she wondered whether, as the HIV and AIDS Act 2006 seemed to suggest, minors with HIV/AIDS were refused health care if they did not seek treatment in the company of an adult.

47. **Mr. Cardona Llorens** asked whether it was true that, as information he had received had indicated, programmes to encourage inclusive education for children with disabilities were run almost exclusively by NGOs rather than by the State. He wondered why so many primary school students, especially those with intellectual disabilities, failed to earn school-leaving certificates and asked what options were available to those students. Secondary schools were sometimes inaccessible even to students who had been granted their school-leaving certificates. A recent newspaper article had reported that a boy in a wheelchair had been unable to find a secondary school that would accept him and that his case had been taken before the Equal Opportunities Commission. In that connection, he wished to know what powers the Commission had to force a change in the current state of affairs – namely, an utter lack of inclusiveness, to the extent that, if the newspaper were to be believed, there had never been a student in a wheelchair enrolled in any of the country's secondary schools. He also asked whether the Government had analysed the investments that would need to be made to promote greater inclusiveness, whether it was aware that salaries for special-education teachers were lower than those for other teachers and what would be done to give teachers training in inclusive education.

48. **Mr. Kotrane** asked what practical steps the Government was taking to address the problem of child labour, especially on farms and in domestic service, and to enable labour inspectors, whose work was generally limited to the formal sector, to investigate conditions in informal sectors. In addition, the figures for the number of children on the streets in Mauritius were conflicting, and it was not entirely clear that relying on the "Brigade des Mineurs" (juvenile brigade) was the ideal means of addressing the vulnerabilities of those children. Lastly, he asked whether the country had established a minimum age for criminal liability and, if so, what it was.

49. **Ms. Winter** asked whether Mauritius, which did not have a juvenile justice system, had measures in place to ensure that the law-enforcement protocol for dealing with minors was respected. Numerous cases of police brutality had been brought to the Committee's attention, and reports had indicated that the parents of street children who had been arrested were sometimes not notified of the arrest, often because the children themselves did not know where their parents were. The State party's assertions that there were no street children in Mauritius were therefore slightly puzzling. Children who were illiterate or conversant only in Creole were made to sign arrest reports drawn up in English. They were rarely informed of their rights. Legal aid was often unavailable, and it was not unusual for proceedings to take place without a parent, guardian or lawyer being present, in direct contradiction to the Convention. When they had committed a crime together with an adult, minors were usually tried and sentenced together with the adult. She therefore asked whether there were any plans to strengthen the Ministry of Gender Equality, Child Development and Family Welfare's overworked Child Development Unit and to upgrade

the system for dealing with children in conflict with the law or with child victims and witnesses. Lastly, she wished to know whether the Government was taking steps to improve supervision of the situation prevailing in institutions to which minors could be confined.

50. **Ms. Oviedo Fierro** asked whether Mauritius had not experienced a backlash that involved blaming children's rights for undermining adult authority.

The meeting rose at 6 p.m.

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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1941st (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Thursday, 15 January 2015, at 11.30 a.m.

Chairperson: Ms. Sandberg

Contents

Consideration of reports of States parties (*continued*)

Combined second and third periodic reports of the Gambia

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The meeting was called to order at 11.35 a.m.

Consideration of reports of States parties (*continued*)

Combined second and third periodic reports of the Gambia (CRC/C/GMB/2-3; CRC/C/GMB/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Gambia took places at the Committee table.*

2. **Ms. Secka** (Gambia), introducing the combined second and third periodic reports of the Gambia, said that the Gambian Government had shown its commitment towards the promotion and protection of the rights of the child in recent years through significant efforts to address health issues affecting children, such as iodine deficiency, polio and HIV/AIDS. The introduction of free maternal and child health-care services had greatly reduced the rates of child malnutrition and infant and child mortality, and a birth registration policy had been established. In the area of education, girls had reached educational parity with boys, the overall rate of school attendance had increased and children had access to free basic education. A conditional cash transfer programme administered by the Ministry of Education had greatly reduced the number of street beggars among *talibes*, or children under local Islamic tutelage. Educational materials had been furnished for basic reading, writing and arithmetic courses alongside the Islamic education they received.

3. The Government remained committed to the protection of children against all forms of violence and had recently enacted the Sexual Offences Act and the Domestic Violence Act. The Gambia was also a member of the West Africa Network for the Protection of Children, which worked to safely repatriate displaced and vulnerable children. The Government, with the support of international partners such as the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP), had developed a national plan of action to address the sexual and commercial exploitation of children and had launched a national child protection strategy designed to combat child poverty and vulnerability. It had also increased the budgets for health and education to just under 11 per cent and 18 per cent, respectively.

4. Despite such progress, challenges remained in the areas of sanitation, nutrition and health and welfare capacity. Steps had been taken to decentralize health-care services so as to improve local access to health care, and community child protection committees had been established to raise awareness of and advocate for children's rights at the local level. Social protection and juvenile justice forums involving relevant stakeholders, community representatives and Government ministers had been held over the last three years, and child protection focal points had been appointed to schools in the most vulnerable communities. Moving forward, the Government intended to strengthen and expand such initiatives, but would require the international community's technical and financial support in order to do so effectively.

5. **Ms. Muhamad Shariff** (Country Rapporteur), welcoming the State party's efforts to bring domestic legislation into conformity with the Convention, in particular the adoption of the 2005 Children's Act, asked whether the Government would continue to take appropriate measures to bring all sections of the Act into line with the principles and provisions of the Convention, whether steps had been taken to disseminate the Act among childcare professionals and to make it available in local languages and what amount of human, technical and financial resources had been allocated to its implementation. Did the State party intend to formulate a comprehensive national policy and strategy for children?

6. With reference to children's right to health and education, she asked whether the State party planned to significantly increase the amount of the national budget allocated to health and education so as to bring it into line with the internationally recommended

minimum. She also wished to know what measures had been taken to ensure that the Government's national and foreign policy decisions did not negatively impact the flow of development assistance for health and education in the short and long term.

7. Concerning data collection, she asked whether the State party had strengthened its efforts to establish a comprehensive mechanism to acquire data disaggregated by gender, age, ethnic group and rural and urban area. Had quantitative studies been undertaken on cases involving the sexual exploitation and trafficking of children and, if so, had the results been made available to local NGOs?

8. Turning to the issue of child sex tourism, she requested further information on the activities conducted under the Tourism Offences Act of 2003 aimed at combating the commercial sexual exploitation of children, and on the number and type of sentences handed down to perpetrators of child sex tourism offences. Information on the legislative measures taken by the State party to establish a clear definition of the child and to set 18 years of age as the legal minimum for marriage would be welcome. Had any steps been taken to amend the Constitution, which stipulated that marriage was subject to customary law, and to reform the provisions of the Children's Act so that it criminalized child marriages?

9. Concerning particularly vulnerable children within society, she asked whether steps had been taken to eliminate discrimination and social stigma against children with disabilities and to facilitate their full inclusion into society. She wished to know what efforts had been made to ensure adequate protection of refugee, asylum-seeking and unaccompanied children and to implement policies and programmes that guaranteed their access to health, education and social services. She also enquired whether the Women's Bill would provide for the prevention and elimination of all forms of discrimination, including gender discrimination.

10. She expressed concern at the lack of general awareness of the principle of the best interests of the child and asked what steps had been taken to ensure that the police, the child protection agencies and the courts, including the Cadi courts, were trained on the provisions of the Convention. She also wished to know whether a monitoring mechanism had been established to ensure that the courts took into account the best interests principle in cases involving children. It would be useful to know whether the State party had considered amending section 218 of the Children's Act, under which young children could be held with their mothers in detention through the age of 6, since that was at variance with international standards.

11. As to respect for the views of the child, she asked whether the State party had developed a systematic approach to increase public awareness of the participatory rights of children, particularly at local levels and in traditional communities, and to encourage respect for the views of the child in families, schools and the foster care and judicial systems. She also wished to know whether programmes had been established to guarantee children's right to freedom of expression, particularly in traditional communities.

12. Regarding children's access to information, she asked whether the State party intended to open more public libraries, particularly in rural areas, whether it had established appropriate operating guidelines for Internet cafes to prevent children from accessing age-inappropriate websites and whether it had introduced minimum standards for television broadcasters to protect children from harmful material on television and radio.

13. Referring to the right to health and access to health services, she asked what steps would be taken to further reduce child and infant mortality rates, including child fatalities as a result of trafficking. Concerning violence against children, she asked whether studies had been conducted into domestic violence cases. She also requested further information on the national centre for victims of domestic and gender violence, including the date of its

establishment, its location and the type of services provided. In addition, she enquired as to whether awareness-raising campaigns on the Sexual Offences Act and the Domestic Violence Act had been conducted among the relevant stakeholders and the general public, whether any perpetrator of sexual or domestic violence had been charged under either of the Acts and whether appropriate training had been provided to law enforcement officers, judges and magistrates on both Acts' provisions. Lastly, she asked whether steps had been taken to investigate, prosecute and punish the police officers responsible for the murder of 14 unarmed students during a peaceful demonstration on 10 and 11 April 2000.

14. **Mr. Nogueira Neto** asked what obstacles had prevented the establishment of the National Commission on Children's Rights aimed at coordinating the implementation of children's rights at the national and local levels. He also wished to know whether the Ministry of Children's Affairs was operational and, if so, what status, mandate and human, financial and technical resource capacity it had been granted to enable it to coordinate the implementation of children's rights across relevant sectors. Had the State party sought advice or assistance from international experts regarding the functioning of the Ministry?

15. With reference to independent monitoring mechanisms, he asked whether the State party intended to introduce awareness-raising campaigns to facilitate the effective use by children of the monitoring mechanism under the Office of the Ombudsman designed to deal with complaints of violations of the rights of children, and whether it had sought technical assistance from international organizations such as UNICEF to establish a fully independent monitoring mechanism. Lastly, he wished to know what measures had been taken to increase the salaries of health-care workers and teachers in order to attract highly qualified applicants and raise the profile of both professions.

16. **Ms. Khazova** asked whether the State party had any plans to abolish birth registration fees, which in many cases were an obstacle to the issuance of birth certificates.

17. **Ms. Aldoseri** said that, according to the statistics consulted by the Committee, 8.5 per cent of girls in Gambia were married before the age of 15 and 46.5 per cent before the age of 18. Noting the range of problems associated with early marriage, including school dropout, she asked whether the State party intended to prohibit marriage for girls and boys under the age of 18.

18. **The Chairperson** asked for an update from the delegation on the free helpline for children, which according to the Committee's sources was not operating effectively.

19. **Ms. Muhamad Shariff** asked whether any efforts were being made to explicitly ban corporal punishment in all settings.

20. **Ms. Secka** (Gambia) said that birth registration was free of cost. A minimal late registration fee applied only if the child was registered after the age of 5. In order to simplify the process and improve the registration rate, responsibility for birth registration had been incorporated into the Reproductive and Child Health unit, which meant that mothers could apply for a birth certificate for their children at the same time as accessing other services. In addition, traditional birth attendants had been provided with books to record the time and date of delivery, which they then forwarded for official registration. It was expected that full implementation of the Birth Registration Strategic Plan would result in a significant increase in the current rate of 55 per cent. Measures under the Plan included a birth registration campaign in key communities and the provision of computers and other materials to local birth registration authorities.

21. With regard to children born out of wedlock, she said that it was true that if the father's name was to appear on the birth certificate, his identity card must be produced; however, the father need not be named on the birth certificate. A child could be registered by the mother as a single parent, and efforts were being made to raise awareness of that

option. Many mothers were reluctant to register children born out of wedlock due to traditional beliefs and stigma associated with being a single parent.

22. **Ms. Herczog** asked how children who had not been registered were able to access services and entitlements, such as health care.

23. **Ms. Secka** (Gambia) said that the immunization card provided for every child at birth could also be used as identification in order to access services. Now that birth registration had been integrated with reproductive and child health services, births could be registered on the basis of the immunization cards. Late registration was a very simple process.

24. Child marriage was not prohibited under the Children's Act. Although some statistics were available, there had never been an in-depth, extensive study into the costs and consequences of the practice. With the support of an international NGO, a rapid assessment had been carried out to gain an understanding of the scale of the phenomenon. The data from the assessment were currently being analysed and would provide the necessary weight to efforts to advocate for the revision of existing legislation on child marriage. The African Union campaign to end child marriage was being implemented in Gambia. It was hoped that the introduction of free compulsory education for all children would contribute to reducing the early marriage rate. The action taken on the basis of the assessment would be aimed at religious leaders, parents and children themselves.

25. A number of prosecutions had been instituted under the Tourism Offences Act; one European tourist was currently serving a prison sentence for child sexual abuse and another had been heavily fined.

26. Legislation would be reviewed to remove inconsistencies between the minimum age for employment and the age of maturity under the Constitution.

27. Following a mapping of the child protection system nationwide, a range of gaps and challenges had been identified. Work was currently under way to develop a national child protection strategic plan in consultation with UNICEF.

28. The Cadi judges received regular training on children's rights and their protection and the principle of the best interests of the child. When dealing with child custody cases, they requested background reports from the social welfare services in order to identify the best environment for the child. Fathers no longer automatically received custody of children over 7 years of age.

29. A range of measures was being undertaken to disseminate the Children's Act among law enforcement personnel. Since child protection modules had been introduced in the police training academy, all new graduates were well informed about the provisions of the Act. All of the Gambian security forces received annual training and had a good understanding of child protection issues. Child protection units had been set up in the police, the immigration department and even the army, since army personnel might come into contact with children during peacekeeping missions.

30. With regard to monitoring, one of the tasks of the recently established advisory committee on juvenile justice was to monitor implementation of the Children's Act by the Children's Court. Social workers were also always present when the Court was in session.

31. **Ms. Aldoseri** asked whether the African Women's Decade declared by the African Union for 2010–2020 had any implications for the Gambia in terms of the protection of girls against female genital mutilation.

32. **Ms. Secka** (Gambia) said that the Government was implementing a national plan of action against female genital mutilation. However, it had been cautious about legislating on the issue for fear that practitioners would go underground. Instead, the Government's

approach was focused on education and awareness campaigns to change attitudes. Progress had already been made, and some communities had made public declarations to "drop the knife". As female genital mutilation was a deep-rooted traditional practice, it would take time to eradicate, but young educated mothers were already against it.

33. **Ms. Muhamad Shariff** asked what support was provided to circumcisers who were no longer able to exercise their professions.

34. **Ms. Secka** (Gambia) said that as circumcisers were often well known and respected community leaders, it was important to help them to find income-generating activities and maintain their status. The Ministry of Health had plans to train former circumcisers as traditional birth attendants. Many were also involved with the local child protection committees.

35. With regard to the budget for the implementation of the Children's Act, the allocation for the health sector had recently been increased. The Government was rolling out a system of programme-based budgeting to facilitate meeting budget targets. The implementation of the recent social protection policy was expected to result in increased funding for the protection of vulnerable groups and improved access to health care and health insurance.

36. **Ms. Muhamad Shariff** asked whether health insurance was universal.

37. **Ms. Secka** (Gambia) said that the Government planned to introduce a universal national health insurance scheme. Progress would be reviewed in five years.

38. The Government was committed to ensuring the protection of children online and had put in place protocols, guidelines and agreements with Internet cafes to block sites that were not child-friendly. All Internet cafes were registered and monitored by the Public Utilities Regulatory Authority in coordination with the Department of Social Welfare.

39. On the issue of freedom of expression, she said that the Government attached great importance to children's participation and ensured that they were consulted in relation to relevant programmes and projects. Children's participation rates were very high by regional standards. Gambian children had taken part in various regional and international forums as members of government delegations.

40. **The Chairperson** said that, although such high-level involvement was welcome, it was also important to focus on children's everyday participation at the local level. She wondered to what extent there was a culture of involving children in decisions in the family and at school.

41. **Ms. Secka** (Gambia) said that ensuring that children's voices were heard in the family remained a challenge, as there was a deep-rooted culture of silence. Efforts were being made to create awareness in that regard. Children had a much higher level of participation in schools, where there were many youth and peer groups. Child protection focal points had recently been established in schools, starting in the most impoverished areas, in order to further raise awareness of children's rights. The focal point network would gradually be extended to more schools. Intergenerational meetings were held approximately twice a year on a range of issues; most recently, a successful dialogue between children from rural areas and parliamentarians had been organized. Children were selected locally for participation in such meetings through schools, youth clubs and community child protection committees. Children also participated in various activities to mark the Day of the African Child. Because of limited financial resources, there was no children's parliament, but there was a youth parliament for young people aged 13 to 18.

The meeting rose at 1 p.m.

United Nations CRC/C/SR.1942

Convention on the Rights of the Child

Distr.: General
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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1942nd (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Thursday, 15 January 2015, at 10 a.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

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Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Mauritius (continued)

This record is subject to correction.

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Mauritius (continued) (CRC/C/MUS/3-5; CRC/C/MUS/Q/3-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mauritius resumed places at the Committee table.*

2. **Ms. Goordyal-Chittoo** (Mauritius), replying to a number of questions raised at the 1940th meeting, said that general comments Nos. 10 and 14 were already being considered in the children's bill. Minors could be tested for HIV/AIDS with or without the consent of a legal guardian, provided that they submitted a written request and demonstrated that they understood the nature of the test. There was currently no minimum age for criminal responsibility; the Director of Public Prosecutions decided whether to prosecute based on the evidence and facts on a case-by-case basis. Under section 44 of the Criminal Code, a defendant under the age of 14 years found to have acted without discernment should be acquitted; if found to have acted with discernment, the defendant could be placed in a correctional institution for a specified period. Convicted minors could also be given community sentences or placed on probation. The children's bill, which was still being debated, contained a provision that no child under the age of 12 years should be charged with an offence.

3. **Mr. Kotrane** said that he was concerned that maximum sentences for minors had not been established, as the absence of such provisions was at odds with international law. While the Committee welcomed the inclusion of a minimum age for criminal responsibility in the children's bill, it encouraged the State party to raise the age to 13 or even 14 years. It also favoured the use of alternative sentencing; custodial sentences, where necessary, should not be excessive.

4. **Ms. Goordyal-Chittoo** (Mauritius) said that the minimum age proposed in the bill might be raised during the parliamentary debate.

5. **Mr. Cardona Llorens** said he would like to know whether there was a juvenile justice system in the State party, or whether the national courts simply applied the same laws to adults as to children, taking into account their age.

6. **Ms. Goordyal-Chittoo** (Mauritius) said that there was a juvenile justice system and a Juvenile Offenders Act. Nevertheless, the Government was reviewing the system, and a juvenile justice bill was being drafted to improve it. In response to questions from several Committee members, she said that alternative sentencing did exist and consisted of community service or probation.

7. Referring to a question from Ms. Winter, she said that while police brutality might have occurred in the past, such incidents were exceptional. Police officers received regular training on human rights and ensured that children were informed of their rights in the presence of their legal guardians. Statements were taken in the language in which the child felt most at ease and, in the future, might be videotaped to ensure that force had been not used. Moreover, minors were placed in special detention centres and were not usually handcuffed when escorted to court by police.

8. **Ms. Winter** asked whether it would be helpful if the Committee included the need to establish a unit to monitor police brutality in its recommendations.

9. **Ms. Goordyal-Chittoo** (Mauritius) said that the delegation would take note of such a recommendation, but that the establishment of a monitoring unit would depend on the availability of financial resources.

10. **The Chairperson** said that any monitoring system should be independent, to ensure impartiality.

11. **Ms. Goordyal-Chittoo** (Mauritius) said that the Protection of Human Rights Act had been amended in 2012 and a national preventive mechanism had been established within the National Human Rights Commission. The Commission had several divisions, including a police complaints division that investigated complaints filed against police officers.

12. Turning again to the issue of juvenile justice, she clarified that there were no specialized courts for children, although district courts sat as juvenile courts when a child was being tried, and such hearings were closed. However, a child tried with an adult on the same charge would be tried with that adult in an ordinary court of law. That matter would be reviewed in the juvenile justice bill. A family court bill was also being drafted and would include provisions relating to children.

13. Moreover, when a child appeared before a court, the presence of their legal guardian was required.

14. **Ms. Oviedo Fierro** said she would like to know what sort of training judges received to help them deal with cases involving juveniles.

15. **Ms. Goordyal-Chittoo** (Mauritius) said that judges, magistrates, prosecutors and other law enforcement officials received training from the Institute of Judicial and Legal Studies, although no specific training was given on the Convention on the Rights of the Child. The Government was aware that more training was needed.

16. **The Chairperson** asked whether there were specific juvenile court judges.

17. **Ms. Goordyal-Chittoo** (Mauritius) said that there were no juvenile court judges as there were no juvenile courts. Legal assistance in the form of free legal advice, counselling and representation was available to minors, with a view to safeguarding their rights. The protection of child victims' rights would be improved under the National Human Rights Action Plan, although further details were not yet available.

18. In response to a question raised by the Committee in the list of issues about children beyond control, she said that measures were in place to address such situations; for example, the parents could ask a magistrate to place such a child in a rehabilitation centre. Such measures would be reviewed during the reform of the juvenile justice system, however.

19. **Ms. Winter** said that there were concerns that parents could simply go to the police to get rid of an out-of-control child, when the real issue was often the parents.

20. **Ms. Goordyal-Chittoo** (Mauritius) said that requests for orders to place children in rehabilitation centres were subject to a screening process, involving social inquiry and police reports; placement orders were not issued automatically.

21. **The Chairperson** said that many of the children in question were between the ages of 10 and 18 years and could be reacting to a wide range of issues. The root causes must be detected.

22. **Ms. Chooramun** said that the Child Development Unit (CDU) in the Ministry of Gender Equality, Child Development and Family Welfare ran a mentoring programme for children with mild behavioural problems, under which they were provided with trained mentors but remained in their family environments. The CDU was working to establish a range of programmes tailored to children's specific needs, taking into account their risk of violent behaviour.

23. **Ms. How Fok Cheung** said that between June 2013 and May 2014, the Ombudsperson for Children had received 7 complaints from children, as well as 26

anonymous complaints. The CDU needed more staff in order to be effective, and had received increased funding to recruit additional officers.

24. Turning to a number of questions raised at the 1940th meeting with regard to education, she said that all children in Mauritius between the ages of 3 and 5 years had access to preschool education, and the State provided families with monthly allocations for that purpose.

25. In 2014, the pass rate for the Certificate of Primary Education (CPE) had been 80.4 per cent. Pupils who failed in a single subject were allowed to resit the examinations; those who failed the examination twice were provided with pre-vocational education in secondary school. Children with learning difficulties were offered free diagnostic assessments, remedial education and school programmes during the summer and winter breaks.

26. Efforts had been made to provide inclusive education to children with disabilities. Schools had been outfitted with ramps, and teachers provided extra assistance to pupils in need. With regard to the case referred to by the Committee at the 1940th meeting involving a child in a wheelchair who had obtained the CPE but not been admitted to a secondary school, she said that the Special Education Needs Unit in the Ministry of Education had contacted the child's parents and told them that he would be admitted to a school that best catered to his particular needs.

27. There was a discrepancy between the salary of regular teachers and teachers for children with special needs; however, the latter received a monthly allowance in addition to their base salary.

28. **Mr. Mezmur** (Country Rapporteur) asked whether pass rates in 2014 had been higher than in 2013. He wondered whether there was a link between the language of instruction and pass rates, and whether that might explain why Creole-speakers were overrepresented among school dropouts. What happened when children whose birth had not been registered tried to enrol for school? Lastly, he wished to know to what extent head teachers enforced the ban on corporal punishment established by the Education Regulations of 1957, and what happened if teachers violated that ban.

29. **Mr. Cardona Llorens** said that although the national legislation made provision for children with learning difficulties, the children with disabilities to whom he had spoken in the State party had complained of habitual discrimination and of being treated with disdain by their schoolmates. They wanted to attend a special school because they were marginalized in ordinary schools. They had told him that it was difficult to obtain vocational training. As there appeared to be a lack of understanding of the real problems faced by those children, he wondered whether there were any programmes aimed at improving awareness of their plight. He was sceptical that the case of the child who had been unable to attend school because he was in a wheelchair was an isolated incident. What was being done to improve the actual situation of children with motor disability? What investments were being made to facilitate access to secondary schools?

30. **Ms. How Fok Cheung** (Mauritius) said that the improved pass rates in 2014 could be ascribed to a number of measures, including free tuition and coaching in the winter holidays for children with learning difficulties, and the use of Creole in the classroom, alongside English and French. When a child without a birth certificate reached school age, the CDU would write to the Ministry of Education to register the child and so enable his or her admission to primary school.

31. **Ms. Goordyal-Chittoo** (Mauritius) said that any case of corporal punishment at school should be reported to the police and the CDU. The police would conduct the necessary inquiry and draw up a report, which would be sent to the Director of Public

Prosecutions, who would then decide whether to initiate prosecution proceedings. The Ministry of Education could also take disciplinary action against the perpetrator.

32. The courts had to make do with the resources available for hearing child victims. Their testimony could be obtained through video links, and rooms were set aside for them so that they did not have to confront defendants in the case. In 2014, the CDU had set up a child-friendly room where victims of violence could be questioned by the police. Toys were provided in rooms designated for children in order to alleviate their stress and anxiety. Psychologists were also on hand to give any support that might be required.

33. **The Chairperson** asked whether all judges were willing to hear evidence by video link.

34. **Ms. Goordyal-Chittoo** (Mauritius) said that, in her experience, no judge or magistrate had ever refused to hear a child by video link. Defence counsel did not normally object to that procedure.

35. **Mr. Gurán** (Country Rapporteur) said that he wished to ascertain that the figure of 98.3 per cent of children enrolled in early education really referred to the age group 3 to 5 years, and not just to five-year-olds.

36. **Ms. How Fok Cheung** (Mauritius) said that the figure for enrolment in early childhood education had been obtained from the Ministry of Education and did refer to the age group 3 to 5 years.

37. She acknowledged that some stigmatization of children with disability still occurred. Since her country had ratified the United Nations Convention on the Rights of Persons with Disabilities, much had been done by the Ministry of Social Security to raise awareness that persons with disabilities should be shown due respect, but time was needed for attitudes to change. Schools had been adapted to the needs of children with disabilities and all new school buildings had to be equipped with ramps. Much remained to be done, however. She would supply data on investments to facilitate access to secondary schools in writing.

38. Replying to questions raised by Ms. Al-Shehail at the 1940th meeting, she said that efforts were made to counter malnutrition in pregnant women by screening them for anaemia and a range of other diseases at the start of their pregnancy and referring them, if necessary, to an obstetrician. Expectant mothers also received dietary supplements. Mothers living with HIV/AIDS or who were drug users were monitored by the AIDS Unit. The Ministry of Gender Equality, Child Development and Family Welfare ran a national programme to prepare people for parenthood, which contained a module on pregnancy. She undertook to obtain information on the financial resources devoted to that purpose from the Ministry of Health and to submit it in writing.

39. **The Chairperson** requested information on programmes designed to improve the birth weight of babies. Did adolescents in the age group 10 to 18 years have access to reproductive health services? Did they have to be accompanied by an adult when they consulted those services?

40. **Ms. Chooramun** (Mauritius) said that sex education was dispensed at school. If a girl became pregnant, she could obtain the full range of antenatal services.

41. **The Chairperson** said that as sexual activity began at a very early age in many countries, it was vital that young people had access to reproductive health services in order to avoid pregnancy. A young person might not want a parent to be present when they consulted those services. It was more cost-effective to prevent than to deal with teenage pregnancy.

42. **Ms. Chooramun** (Mauritius) said that the Mauritius Family Planning and Welfare Association, an NGO operating under the aegis of the Ministry of Health, regularly

conducted sensitization campaigns on sexual reproductive health in primary and secondary schools. The National Children's Council also gave talks on sexual reproductive health in schools. She would provide statistics and data on that subject in writing. The Council also provided services, with the result that young people could obtain condoms anonymously, and ran drop-in centres that provided support in matters of sexual and reproductive health.

43. **Ms. How Fok Cheung** (Mauritius) said that, in addition to the measures for pregnant women which she had just outlined, low birth-weight babies were admitted to neonatal intensive care units, examined by a paediatrician and monitored regularly after being discharged from hospital for at least two years, or until they had caught up with babies of normal birth weight.

44. Although the wide range of measures adopted by the Ministry of Social Integration and Economic Empowerment to improve the plight of poor people had proved successful in many respects, it would take many years to eradicate poverty completely.

45. The NGO SAFIRE (*Service d'Accompagnement, de Formation, d'Insertion et de Réhabilitation de l'Enfant*) acted as a mouthpiece for street children and participated in devising a care plan for them.

46. **The Chairperson** drew attention to the fact that children roaming the streets during the daytime were not attending school, and were vulnerable to crime and drug addiction. Was there an outreach programme that targeted street children?

47. **Ms. Chooramun** (Mauritius) said that there was government support for any NGO which wished to assist street children. If someone found a child on the street at night, that person was required to call the 113 hotline. The CDU would immediately collect the child and try to locate his or her parents, or place the child in a shelter and ensure that he or she went back to school. Non-formal education could also be provided for children who had never been enrolled at school.

48. Replying to a question posed at the previous meeting on drug abuse by children, she said that various agencies conducted frequent information campaigns and other interventions. Drug abuse on school premises was dealt with at school and was also reported to the local authorities so that any related criminal activities could be handled by the police.

49. **The Chairperson** explained that she wished to know whether any measures were in place to prevent street children from engaging in undesirable activities.

50. **Ms. Chooramun** (Mauritius) said that such measures did exist.

51. **Ms. Winter** suggested that it would be better to offer street children alternative means of earning money.

52. **Ms. How Fok Cheung** (Mauritius) said that some parents and teachers had complained that their authority was being undermined by children who misused their rights. A national parental empowerment programme had been introduced to inform parents of the provisions of the Convention and about alternative child-rearing methods. Teachers were also trained in the provisions of the Convention and in the adoption of positive means of discipline. In line with the African Charter on the Rights and Welfare of the Child, children were instructed in their responsibilities.

53. **Mr. Mezmur** requested information on the extent to which children's vulnerability to the impact of climate change was taken into consideration in the State party's policies.

54. **Ms. Chooramun** (Mauritius), replying to a question raised earlier on climate change, said that, while the impact of climate change on children in particular might not be very

visible, her Government did keep the issue in mind. For example, during a recent spate of cyclones, schools had been closed to keep children out of harm's way.

55. **The Chairperson** wished to know whether Mauritius had a policy on the elimination of the worst forms of child labour. Was the increasing sexual exploitation of children regarded as an issue requiring urgent action?

56. **Ms. Oviedo Fierro** reminded the delegation that she had not received an answer to her question regarding respect for children's views and their participation in decisions affecting them.

57. **Ms. Chooramun** (Mauritius) said that forums did exist where children could voice their opinions on issues pertinent to their development and on policy decisions, and where they could learn how to debate issues of national and international interest. The National Children's Council Act would be amended to provide for a setting in which children's ideas could be taken on board.

58. **Ms. Oviedo Fierro** requested confirmation that children's participation was enshrined in law. Was their status as rights holders fully recognized? Were their views really taken into consideration? How did the Government and society react to the specific demands of adolescents?

59. **Ms. Goordyal-Chittoo** (Mauritius) read out the provision of the National Children's Council bill covering children's participation in law-making. She explained that the bill could be amended or supplemented when it was debated in Parliament.

60. **Ms. Chooramun** (Mauritius) said that the National Children's Council planned to set up a national children's forum which would foster peer interaction in an enjoyable manner.

61. **Ms. Oviedo Fierro** said that what was important was to encourage children to create their own participative forums. Children should be taught how to claim their rights, rather than simply being the passive recipients of services.

62. **Ms. Chooramun** (Mauritius) said that the purpose of the school child protection clubs set up in 2010 was to encourage children to form their own clubs and, by making them aware of their responsibilities, to help them to curtail a lack of discipline and create a school environment free of violence. Teens clubs had been set up along with a creativity centre where young people could attend workshops and seminars conducted by various stakeholders. She would provide information in writing on the National Institute for Civic Education (NICE) programme, which was designed to build the capacity of young persons to participate.

63. **Ms. Chooramun** (Mauritius) said that compliance with labour laws was monitored by the Inspection and Enforcement Section of the Ministry of Labour, Industrial Relations and Employment. The more than 4,500 inspection visits made during the period 1 June 2007 to 31 May 2010 had turned up six cases of child employment, involving six children. In five of those cases, criminal charges had been filed and the employers convicted and fined. As a preventive measure, the Government conducted information campaigns stressing the illegality of child employment.

64. Foster care was promoted as the best alternative to the institutionalization of children. The Government was taking steps to professionalize the delivery of foster care and to improve incentives for potential foster parents. In the meantime, efforts were being made to make residential institutions more homely. The National Child Protection Strategy and Action Plan would soon be implemented, and would include measures to expedite family reunification in cases where parents were temporarily unable to care for children.

65. Residential care institutions were required to meet legal minimum standards. A monitoring mechanism included unannounced visits, interviews with children, menu checks and cleanliness inspections. Institutionalized children, including those with disabilities, received support and were allowed supervised visits with their parents.

66. **The Chairperson** requested information about the status of the adoption bill. Citing the recent upswing in cases of sexual exploitation of children, she asked what was being done to combat the phenomenon, and what support measures were available to victims.

67. **Mr. Mezmur** asked whether it was true that since 2013, intermediaries had not been involved in identifying children eligible for adoption. Had the resources and capacity of the National Adoption Council been increased? Could the delegation provide information on recent adoption-related court decisions? How was international adoption regulated?

68. He asked what standards, if any, were used in monitoring alternative care such as foster care.

69. **Ms. Goordyal-Chittoo** (Mauritius) said that it was official policy not to involve intermediaries in the adoption process. Her delegation would provide information about recent court decisions concerning adoptions after the meeting. Procedures were in place to identify children eligible for adoption and screen prospective adoptive parents for local and international adoptions.

70. **Ms. Chooramun** (Mauritius) said that the minimum standards for alternative care were based on the United Nations Guidelines for the Alternative Care of Children. Various steps taken by Mauritius to combat the commercial and sexual exploitation of children were outlined in the replies to the list of issues.

71. **The Chairperson** asked whether children were more likely to be commercially exploited by tourists, local residents or both.

72. **Ms. Chooramun** (Mauritius) said that there were culprits in both categories, but that only a few cases per year were identified.

73. **The Chairperson** said that the few cases identified might represent the tip of an iceberg. Much depended on the effectiveness of monitoring procedures.

74. **Ms. Chooramun** (Mauritius) said that local child protection committees conducted crackdown operations in high-risk areas such as bus terminals, school environs and guesthouses. Members of those committees included, for example, police officers, teachers and social workers and were trained to spot evidence that a child might be a prostitution victim.

75. **The Chairperson** observed that prostitution victims often did not come forward because they feared they might find themselves in trouble with the law.

76. **Ms. Winter** said that children who were taken into police custody and could not post bail were reportedly kept in custody. Had the State party considered amending the law so that the actual payment of bail was postponed, and later required only if the child had violated some other requirements?

77. Given that individuals accused of sexually abusing children remained at large until their case had been tried, how could the State party better protect child victims and their families?

78. What was the State party doing to ensure that teachers complied with Government injunctions prohibiting corporal punishment in schools?

79. **Ms. Goordyal-Chittoo** (Mauritius) said that while she was not aware of cases of children being kept in custody because they could not post bail, her delegation would obtain

any relevant statistics and send them to the Committee. Children or their guardians could request protection from perpetrators awaiting trial who harassed them.

80. **Ms. Chooramun** (Mauritius) said that her Government was considering implementing sexual risk orders for potential repeat offenders.

81. Schools had mechanisms for reporting complaints of violence by teachers and others, and parents were generally quick to draw attention to such issues.

82. **Mr. Mezmur** said that Mauritius seemed to be making progress in implementing the Convention, with the remaining challenges associated mainly with capacity-building and effective use of statistical information. Outlining some of the issues that would be included in the Committee's concluding observations, he encouraged the State party to enact key legislation, such as the children's bill, as swiftly as possible, and to establish firm timetables for various reforms and action plans.

83. **Ms. How Fok Cheung** (Mauritius) said that her Government would work closely with the Committee to implement the Convention as fully as possible. It would welcome technical and other assistance to that end.

The meeting rose at 12.55 p.m.

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1943rd (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Thursday, 15 January 2015, at 3 p.m.

Chairperson: Ms. Sandberg

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Consideration of reports of States parties (*continued*)

Combined second and third periodic reports of the Gambia (continued)

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GE.15-00552 (E) 200115 270115

1500552

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Combined second and third periodic reports of the Gambia (continued) (CRC/C/GMB/2-3; CRC/C/GMB/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Gambia took places at the Committee table.*

2. **Ms. Secka** (Gambia), replying to questions asked at the 1941st meeting, said that the child helpline was functional. Although some telephone companies were charging for calls made to the helpline, negotiations were under way to ensure that it was toll free. Half of all calls came from the police and other partner institutions and most were made before 8 p.m.

3. **The Chairperson** asked whether that meant that the helpline did not operate at night. Who answered the calls?

4. **Ms. Secka** (Gambia) replied that the helpline was run out of the children's shelter by a team of social workers. Nurses and other trained shelter staff were available to answer any calls at night.

5. **Ms. Muhamad Shariff** (Country Rapporteur) asked whether helpline staff were adequately trained and what procedures were followed in answering calls.

6. **Ms. Secka** (Gambia) said that helpline procedures were governed by a protocol and forms had to be completed. The staff were qualified social workers and regular skills upgrading was provided.

7. **The Chairperson** asked whether the public, and especially children, knew about the shelter and the helpline.

8. **Ms. Secka** (Gambia) said that the helpline was advertised in various forms, such as leaflets, stickers and billboards.

9. **Ms. Muhamad Shariff** asked whether there was only one shelter and, if so, how fast a child in need could be reached.

10. **Ms. Secka** (Gambia) replied that the shelter kept contact information on several key partners in all regions, so the response time was quite fast. In reply to another question, she said that the Public Utilities Regulatory Authority had registered all video clubs and was drafting relevant regulations.

11. **Ms. Muhamad Shariff** asked what body was responsible for ensuring that programmes broadcast on prime time television were age appropriate.

12. **Ms. Secka** (Gambia) said that the Ministry of Information and Communication Infrastructure was fully aware of the need for child-sensitive programming and that all films that were aired on national channels were censored for inappropriate content.

13. **Ms. Jeng** (Gambia) said that corporal punishment was not used in prisons. Its use in schools was governed by disciplinary procedures but was not prohibited by law. It was not banned in the family either, and efforts on that front focused on advocacy.

14. **Ms. Secka** (Gambia) said that the Children's Act was due for review.

15. **Ms. Muhamad Shariff** asked when the review would take place.

16. **Ms. Secka** (Gambia) replied that the authorities were working with consultants on a strategic plan, which was expected to be completed by mid-2015, in time to be taken into account in the budget for the next fiscal year.

17. **Ms. Muhamad Shariff**, noting that more emphasis appeared to be placed on awareness-raising than on introducing a total ban on corporal punishment, asked whether the State party was considering such a ban.

18. **Ms. Secka** (Gambia) said that the focus on awareness-raising was an interim measure until a prohibition on corporal punishment could be discussed during the review of the Children's Act. In cases where a child suffered grave bodily harm, reflected in visible marks and injuries, the corporal punishment was characterized as assault and was reported to the police. Furthermore, child protection focal points had been appointed in health-care facilities to detect possible cases of ill-treatment.

19. **The Chairperson**, noting a lack of information in the report on alternative forms of discipline, asked whether awareness-raising efforts included the teaching of parenting skills.

20. **Ms. Secka** (Gambia) said that a parenting manual had been designed and that child-rearing advice was broadcast on television and radio programmes. An advisory committee had been set up pursuant to the Domestic Violence Act, which met on a regular basis. Although no countrywide survey of domestic violence had been conducted, studies were planned to gain a better understanding of the phenomenon in Gambia. The one-stop centre on gender-based violence was part of a network of Government entities and non-governmental organizations (NGOs). It was based at the main hospital in Banjul, but the intention was to expand it to regional health-care centres. Regarding the student protests quelled in April 2000, she said that the Government had covered the cost of treatment for any injured minors, including those whose condition had required treatment abroad.

21. **Ms. Muhamad Shariff**, emphasizing the fact that, according to her information, children had died in the incident, asked whether anyone had been brought to justice.

22. **Ms. Secka** (Gambia) said that she had no specific information about the ages of those killed.

23. **The Chairperson** asked what was the budget for the implementation of the Domestic Violence Act.

24. **Ms. Secka** (Gambia) said that the advisory committee had been meeting for only six months and was in the process of setting up the requisite systems. The aforementioned shelter was State-run and there were plans to open another one to serve more rural areas in the near future.

25. **The Chairperson** asked what the shelter's capacity was and whether it was sufficient to meet demand.

26. **Ms. Secka** (Gambia) said that the shelter's current capacity was sufficient but that there was room for expansion. The President had directed that women's and children's affairs should no longer be combined under a single ministry; however, the establishment of the department of children's affairs was delayed for budgetary reasons.

27. **The Chairperson** asked what the time frame was for setting up the department of children's affairs and whether 2016 might be a feasible deadline. She also wished to know how activities relating to children were being coordinated in the meantime.

28. **Ms. Secka** (Gambia) replied that it was hoped to establish the department in 2016, although that was contingent on the availability of resources. Government programmes on children's issues in various domains were currently run by the relevant department or ministry.

29. **Ms. Muhamad Shariff** asked whether stakeholders and civil society had been consulted regarding the establishment of the new department.

30. **The Chairperson**, drawing the delegation's attention to reports that existing bodies responsible for children's affairs were underresourced, asked whether the new department would be allocated the resources needed to fulfil its mandate.

31. **Ms. Secka** (Gambia), acknowledging a shortage of financial resources and capacity, said that better training for social workers was being fast-tracked and that a capacity assessment of the Department of Social Welfare had been carried out to identify requirements. Moreover, there was a clear political will, beginning with the President himself, to promote children's rights and well-being, and the Government was reaching out to its bilateral partners for technical assistance. The authorities worked closely with a number of international organizations, particularly UNICEF, the United Nations Population Fund and the United Nations Development Programme; however, there was some frustration that United Nations agencies in the Gambia were not coordinating their efforts and had rather inadequate resources themselves.

32. **Mr. Samateh** (Gambia) said that the role of the Gambia Bureau of Statistics was to coordinate the data-collection efforts of the various ministries and departments. Most data other than census data were gathered through ad hoc studies. The report on the most recent demographic and health survey, conducted in 2013, had been finalized but was awaiting Cabinet authorization for publication. The Bureau, after consultations with all key players, and with the support of the United Nations Economic Commission for Africa and the World Bank, was nearing completion of a national strategy for the development of statistics. One of the innovations under the strategy would be to hold an annual dialogue between the producers and users of statistics. The Bureau's data were available to NGOs and the public via its website and the national database GamInfo.

33. **Ms. Muhamad Shariff** asked whether GamInfo was actually functioning.

34. **Mr. Samateh** (Gambia) said that it was and that it was maintained by trained staff. The lack of data on migration was explained by the fact that they were collected primarily through the census every 10 years. Moreover, census data on migration were very limited and needed to be supplemented by further studies. Funding permitting, a migration survey was to be conducted in 2015. The high rate of child mortality affecting the least educated women was not a phenomenon unique to Gambia.

35. **The Chairperson** said that, although she agreed with that statement, the Government nevertheless had a responsibility to reduce the gap. She asked what steps were being taken in that regard.

36. **Mr. Samateh** (Gambia) said that, on account of the patriarchal structure of society, most families prioritized the education of their sons over that of their daughters, which partly explained the prevalence of early marriage. However, the Government had adopted measures to reduce the practice, in particular through the introduction of free, compulsory basic education.

37. **Ms. Secka** (Gambia) said that the Ministry of Health was reinforcing primary health-care services as a means of reducing infant mortality.

38. **Mr. Samateh** (Gambia) said that, according to census data, the number of child marriages was declining, partly as a result of the Government's decision to introduce free and compulsory basic education.

39. **The Chairperson** asked whether the delegation could provide statistics on child marriage from the 2003 and 2013 censuses.

40. **Ms. Secka** (Gambia) said that figures could be sent to the Committee at a later date. Given the high rate of illiteracy in the Gambia, it would be preferable not to rely on census

data and instead conduct in-depth studies and analyses of the incidence and impact of child marriage and female genital mutilation in the country.

41. **The Chairperson**, in reference to the health-care system, asked whether efforts had been made to reach out to mothers.

42. **Ms. Secka** (Gambia) said that a community-based model had been adopted, allowing citizens to have a say in the management of services in their area.

43. **Ms. Muhamad Shariff**, enquiring about the role of the NGOs Affairs Agency, asked what kind of support the State party gave to NGOs.

44. **Ms. Secka** (Gambia) said that the Agency, which had been placed under the authority of the Office of the President, was tasked with providing assistance and coordinating the registration and activities of NGOs at the local level. The Government enjoyed a cordial relationship with NGOs, which benefited from tax relief and grants and were invited to join government delegations in international forums.

45. **Ms. Muhamad Shariff** said that the delegation should provide further information on the 2014 amendment to the Criminal Code establishing the offence of aggravated homosexuality, which carried a maximum penalty of life imprisonment and was likely to encourage the stigmatization of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons.

46. **Ms. Herczog** (Country Rapporteur) said that, contrary to previous assertions, there had been reports of NGOs in the Gambia facing difficulties and struggling to operate freely, not least because they were dependent on government funding.

47. She wished to know whether attitudes towards polygamy were changing and what steps were being taken to combat the practice. She also asked how the State party intended to implement systematic family support strategies to reduce poverty, what programmes were in place to prevent baby dumping, how the Government viewed contraception and sex education, and what action was taken in the event of unwanted or rape-induced pregnancies.

48. With regard to the foster care scheme mentioned in paragraph 128 of the State party report (CRC/C/GMB/2-3), she asked who was in charge of making and supervising adoption arrangements, how the views of children were established in the absence of a complaints mechanism, whether prospective foster parents received payment as an incentive, and whether the scheme was in compliance with international legal standards for foster care. The delegation should also explain why a large number of children who were not orphans were living in alternative care settings, what entity supervised placements in such settings and what care was given to children who suffered abuse or neglect at the hands of their parents. She asked how many parents had been accused and convicted of abuse, who determined whether complaints were genuine and what steps were taken to rehabilitate victims and perpetrators.

49. Noting that abandoned babies could not be put up for adoption, she requested additional information on those children who were adopted. Did the State party intend to ratify the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and, in the meantime, how were the requirements of the Convention taken into account in national policy?

50. She wished to know how the Government could ensure that fathers fulfilled their parental responsibilities and what had been done to alter public perceptions of their role in childcare. She also asked how the State party planned to strengthen community-based childcare and increase the number of foster parents. Given that the National Orphan and Vulnerable Children Task Force was no longer operating, the delegation should indicate who was responsible for coordinating and enhancing the child protection system. The

delegation should also provide statistics on the abandonment and out-of-home placement of *almudos* or *talibés* and children with disabilities, and information on policies to increase the school enrolment rate of such children.

51. Regarding corporal punishment, she asked whether the training given to teachers and social workers was designed to eliminate the practice in all settings. She wished to know whether there was a plan to provide better training to health-care workers in order to increase their capacity to support women and children, and a strategy to ensure the effective distribution of micronutrients to reduce malnutrition. The delegation should also describe any measures taken to prevent malaria-related diseases.

52. Turning to education, she asked whether the Government intended to raise the school-leaving age, which had been set at 12. As the legal working age was 16, the delegation should explain what happened to children in the intervening period. She also wished to know whether there were plans to provide free secondary-level education, and what was being done to improve access to education for children in remote areas and to prevent children under 16 from working, even if only in family businesses.

53. While welcoming the ambitious provisions of the Children's Act with regard to the enjoyment of sport and cultural activities, she wished to know how the Government could ensure that schools were suitably equipped and that out-of-school activities were organized.

54. She asked what measures were being taken to prevent children spending time on the streets and what services were available for poor and deprived children, particularly those who had resorted to begging in the past. She also asked how the Government could be sure that its child crime statistics were accurate, and what steps had been taken to identify inappropriate behaviour and offer alternatives to sentencing.

55. The delegation should describe any efforts made to guarantee the well-being of unaccompanied minors and indicate what follow-up was given to reunification procedures to ensure that children were not exploited. Lastly, she asked what measures were in place to tackle corruption and end the culture of impunity that allegedly surrounded the practice.

56. **Ms. Khazova** enquired about the prospects for developing and expanding the juvenile justice system. She invited the delegation to evaluate the progress of judicial reform in the Gambia and elaborate on the training received by judges.

57. **Ms. Muhamad Shariff** requested data on children held in prison with their mothers and asked whether efforts were made to facilitate visits for children living outside prison. She also asked what support was offered to children whose parents were on death row, and whether the best interests of the child were taken into account in prison settings. As to adolescent health, the delegation should indicate whether HIV-related services went beyond mere advocacy and prevention and included appropriate treatment.

The meeting was suspended at 4.25 p.m. and resumed at 4.50 p.m.

58. **Ms. Secka** (Gambia) said that the 2014 amendment to the Criminal Code, establishing the offence of aggravated homosexuality, had not marked a shift in the Government's stance on homosexuality, which was a sensitive issue in the social sphere. The Government's focus was on nurturing traditional values and customs and transmitting them to children.

59. **Ms. Herczog** asked whether steps were being taken to alter public perceptions and traditional practices, as had been done in the case of female genital mutilation and child marriage. She also encouraged the State party to reform its Criminal Code, as the inclusion of a provision on aggravated homosexuality sent a clear message to the community.

60. **Ms. Secka** (Gambia) said that, although attitudes were changing, the process took time. Homosexuality was a particularly thorny issue in countries such as the Gambia, where

Islam was the majority religion. The Government would continue to promote positive traditions and values, and was wary of undoing recent progress in the field of children's rights.

61. In response to a concern expressed by Ms. Herczog, she said that clear guidelines had been established for NGOs, whose reports and registration were handled by an independent board. They were not subject to censorship.

62. **Ms. Herczog** asked the delegation to comment on reports that NGO representatives had been subjected to death threats, harassment, intimidation and deprivation of liberty.

63. **Ms. Secka** (Gambia) said that the Department of Social Welfare, which worked closely with NGOs, had not received any complaints. To her knowledge, no children's rights organizations had encountered difficulties in dealing with the Government. For those working on sensitive issues such as children's rights, death threats were normal, and she herself had been threatened in the past.

64. Better education and economic prospects were contributing to a gradual decline in polygamy, with many young people preferring to have smaller families. Nevertheless, most polygamous families were tightly knit, particularly in rural areas, and the practice rarely led to conflict.

65. The Government was working on a systematic family support strategy and planned to extend existing measures, such as cash transfers. Overall, the social protection system required further strengthening and coordination.

66. With regard to abandonment, a study was needed to assess the situation and dispel the notion that baby dumping was an issue that only affected teenage mothers. Teenage pregnancy was a topic that had been discussed in youth forums and great strides had been made in terms of advocacy and education. Family planning was freely available in health-care facilities. Although abortion was illegal, families were encouraged to provide support in the event of unwanted pregnancies and efforts were being made to help reintegrate girls whose families had disowned them as a matter of honour.

67. Domestic legislation did not provide for abortion in cases of rape, but did permit doctors to terminate pregnancies when the lives of both mother and baby were at risk. Victims of rape had access to prophylactics and other forms of support. The Government acknowledged that there were gaps in the Children's Act and would work to address them.

68. Turning to the issue of fostering and adoption, she said that there were two systems in place in the Gambia. The first system focused on infants handed over by their parents to specific individuals. Such individuals were assessed and the babies were placed with them for three years, with a view to adoption. If need be, the foster parents were provided with financial support and training in parenting skills. Social workers carried out regular visits and prepared periodic reports that were shared with the Children's Court. Should the police fail to trace the biological mother within the above-mentioned three-year period, the Children's Court duly processed the adoption. In the case of infants abandoned in the street, a list of appropriate potential foster families had been drawn up. The second system involved the placement, with members of their extended family, of children in conflict with their biological parents.

69. **Ms. Khazova** asked whether children could be placed with another foster family if a fostering placement had been found to be unsatisfactory.

70. **Ms. Secka** (Gambia) said that such action could be taken.

71. **Ms. Khazova** asked whether the placement of children with members of their extended family constituted a form of informal adoption.

72. **Ms. Secka** (Gambia) said that such placements were carried out following the assessment of the members of the extended family in question and were a form of kinship fostering that was formalized through a court order.

73. **Ms. Herczog** asked why the probationary period in respect of abandoned infants was so lengthy.

74. **Ms. Secka** (Gambia) said that the three-year period was stipulated in the Children's Act; there had been cases where biological mothers had been traced before the expiry of that period.

75. **Ms. Herczog** asked whether the child was returned to the biological mother in such cases.

76. **Ms. Secka** (Gambia) said that such cases were dealt with by the courts and the police because it was a criminal offence to abandon a child.

77. **The Chairperson** asked whether the child's best interests and the issue of continuity of care were taken into account in such cases.

78. **Ms. Secka** (Gambia) said that the authorities were guided by the principle of the best interests of the child.

79. **Ms. Khazova** asked whether, in cases where, following the reappearance of the biological mother of an abandoned child, the courts had ruled that the child concerned should remain with his or her foster family, the child in question could access information on his or her biological parents.

80. **Ms. Secka** (Gambia) said that, if the child in question had reached an age at which he or she could understand the issues involved, access to such information would be granted.

81. **The Chairperson** asked whether biological mothers left their children in the care of members of their extended family or with other persons without a court order.

82. **Ms. Secka** (Gambia) said that that practice was quite common but that it did not involve children at risk who had been brought to the attention of the authorities.

83. **The Chairperson** asked whether there was a review procedure in place regarding the formal placement of children mistreated by their biological parents.

84. **Ms. Secka** (Gambia) said that there was a procedure in place involving court orders, reporting and review periods.

85. **The Chairperson** asked whether there was an adequate number of trained social workers to carry out the various procedures that had been mentioned.

86. **Ms. Secka** (Gambia) said that a capacity assessment had been undertaken and an action plan was being prepared on capacity strengthening, the training of additional social workers and training in specialized skills.

87. **The Chairperson** asked whether children placed in alternative care had access to complaints mechanisms.

88. **Ms. Secka** (Gambia) said that infants placed with foster families were monitored by social workers during the three-year probationary period. Children placed by the courts with members of their extended family could contact their social workers if they needed to make a complaint.

89. Children were not held in prison with their mothers in the Gambia. In some cases, women prisoners who had been pregnant at the time of their imprisonment but had been unaware of their condition had been released following childbirth.

90. **Ms. Herczog** asked what was being done to encourage breastfeeding in general and exclusive breastfeeding for infants up to the age of 6 months in particular. She also asked about the situation of children of prisoners, particularly with regard to placement arrangements.

91. **Ms. Secka** (Gambia) said that, under the Women's Act 2010, pregnant working women were entitled to six months' paid maternity leave. A campaign promoting breastfeeding had been launched and the number of breastfeeding mothers was rising. Children whose parents were in prison could visit them on a regular basis. In addition, educational sponsorship could be provided in such cases. The children of imprisoned single mothers were placed with members of the extended family.

92. **Ms. Herczog** asked whether women working in the private sector were also entitled to maternity leave and whether support was provided for breastfeeding mothers affected by HIV/AIDS.

93. **Ms. Secka** (Gambia) said that women working in the private sector had the same right as others to six months' paid maternity leave. Breastfeeding mothers affected by HIV/AIDS were supplied with nutritional supplements.

94. Fathers who failed to fulfil their parental responsibilities could be brought before the Children's Court or the *Cadi* courts.

95. **Ms. Muhamad Shariff** pointed out that it could be difficult for women to claim child maintenance and that the civil courts tended to award higher amounts of maintenance to women than the *Cadi* courts.

96. **Ms. Secka** (Gambia) said that *Cadi* court officials had been retrained in order to tackle that issue. Koranic schools (*majalis*) received State funding. *Talibés* currently studied English, mathematics and science, in addition to the Koran, and no longer begged on the streets.

97. Replying to other questions that had been raised, she said that education was both free and compulsory in the Gambia up to, but not including, senior secondary level. The corporal punishment of children in alternative and institutional care was prohibited under recently introduced minimum standards. However, there was a need for legislation to ensure compliance in that regard. As to the improvement of health provision, all citizens in the State party currently lived within 3 kilometres of the nearest medical facility.

98. **Ms. Muhamad Shariff** asked the delegation to comment on the frequent shortage of medical supplies and drugs, poor sanitation and the lack of access to safe drinking water.

99. **Ms. Secka** (Gambia) said that the situation in terms of medical supplies and drugs had improved. The vast majority of families had access to safe drinking water in their homes and work was ongoing to improve the conditions of sanitation.

100. **The Chairperson** drew the attention to the need for information about families that did not have access to safe drinking water in their homes.

101. **Ms. Secka** (Gambia) said that such families had access to safe drinking water provided through community standpipes.

102. **The Chairperson**, reverting to the issue of education, asked what was being done to ensure that there were enough teaching staff and to tackle the issue of hidden costs related to education, such as books and uniforms.

103. **Ms. Secka** (Gambia) said that the State paid examination fees and had made available funds for the improvement of school facilities. Impoverished parents were eligible to receive support from the authorities to enable them to buy school uniforms for their children, and textbooks were provided free of charge.

104. Replying to a question from **the Chairperson** about the issue of transportation for schoolchildren, she said that most children lived within walking distance of their schools and those who did not were taken to school in donkey carts paid for by the authorities.

105. **The Chairperson** asked what was being done to improve the quality of both teaching and teaching staff. She further asked to what extent the education system covered rural areas and whether disparities remained between urban and rural areas in terms of quality of and access to education.

106. **Ms. Secka** (Gambia) said that the Gambia Teacher Training College was involved in efforts to improve the quality of teaching and teaching staff. Furthermore, incentives had been introduced to encourage teachers to take up posts in rural areas and retired head teachers had been drafted in to monitor the quality of teaching.

107. With regard to early childhood development, she drew the Committee's attention to paragraph 57 of the Gambia's replies to the list of issues (CRC/C/GMB/Q/2-3/Add.1).

108. **The Chairperson** asked whether there were sufficient trained teachers to implement the early childhood development policy.

109. **Ms. Secka** (Gambia) said that the Gambia Teacher Training College was currently training a large number of such teachers. On the issue of programmes for juvenile offenders, she said that the latter were taught to read and write and received counselling and assistance regarding reintegration into school.

110. **The Chairperson** asked the delegation to comment on the low level of school enrolment for children with disabilities.

111. **Ms. Secka** (Gambia) said that a programme to integrate children with minor disabilities into mainstream education was in place and a large number of teachers had been trained to assist such students. There were some special schools for children with severe disabilities in the Banjul area. Families of children with severe mental disabilities in urban areas benefited from respite care support and buses had been provided to transport such children between their homes, the respite care centre and the special schools.

112. **Ms. Muhamad Shariff**, reverting to the issue of juvenile justice, said that the delegation should comment on the lack of separate detention facilities for minors of both sexes and for minors and adults. She also asked about the limited use of legal aid and the low level of public awareness regarding the existence of such aid. Lastly, she had been informed that police, judicial officials and social workers had not received sufficient training on the provisions of the Children's Act and on international standards regarding the administration of juvenile justice.

113. **Ms. Secka** (Gambia) said that social workers, police and prison officials received training on the Children's Act and on international principles concerning juvenile justice on an annual basis, and a forum had been set up within which those issues were discussed. A procedure on the processing of detainees that complied with international standards had been implemented and disseminated to all relevant stakeholders. A steering committee on juvenile justice met on a monthly basis and any cases requiring review were referred to the Chief Justice.

114. Turning to the issue of legal aid, she said that a representative of the National Agency for Legal Aid attended every sitting of the Children's Court and such representatives accompanied social workers on their weekly visits to the juvenile wings of detention facilities. There were plans to build a detention facility exclusively for minors of both sexes but girl offenders were currently placed in children's shelters. Significant progress had been made regarding the introduction of non-custodial sentences for minors.

115. **Ms. Muhamad Shariff** said that she wished to know how many lawyers accepted legal aid cases in the State party.

116. **Ms. Secka** (Gambia) said that a number of organizations and individuals provided free legal aid.

117. **The Chairperson** observed that the National Agency for Legal Aid had only limited resources.

118. **Ms. Secka** (Gambia) said that the Agency's transportation resources were limited but that a project was being implemented with the United Nations Development Programme (UNDP) to provide regular legal clinics.

119. **Ms. Muhamad Shariff** asked if statistics were available on the number of children involved in the juvenile justice system.

120. **Ms. Secka** (Gambia) said the number of such children was very low.

121. **Ms. Khazova** asked whether legal aid was granted for both civil and criminal cases.

122. **Ms. Secka** (Gambia) said that legal aid was made available for both types of cases.

The meeting rose at 6 p.m.

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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1944th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Thursday, 15 January 2015, at 3 p.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

Contents

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of the United Republic of Tanzania

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of the United Republic of Tanzania (CRC/C/TZA/3-5; CRC/C/TZA/Q/3-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the United Republic of Tanzania took places at the Committee table.*

2. **Ms. Chana** (United Republic of Tanzania), introducing the third to fifth combined periodic reports of the United Republic of Tanzania (CRC/C/TZA/3-5), said that the Government had consulted various stakeholders, including the Commission for Human Rights and Good Governance and civil society, in the course of preparing the report. It should be noted that the Government had submitted its written replies to the list of issues prior to the adoption of the country's new Constitution, which expressly guaranteed the protection of children's rights.

3. The Government had significantly increased the proportion of the State budget allocated to the ministries and State institutions responsible for children's affairs and had begun to implement the Five-Year Strategy for Progressive Child Justice Reform (2013–2017) on the mainland, and the Five-Year Strategy for Child Justice Reform (2013–2017) in Zanzibar. Other developments included the adoption of standard operating procedures for dealing with victims, the creation of a register for collecting data on children and the development of a framework for monitoring and evaluating the implementation of the two five-year strategies for child justice reform. Furthermore, a large number of special units responsible for dealing with gender and children's issues had been set up in police stations. The police officers manning those units had received special training on those issues. The Government had also adopted a set of legal reforms intended to bring all programmes, policies and laws concerning children into conformity with international human rights standards.

4. In a recent policy statement, the Government had announced its intention to provide all children with free compulsory primary and secondary education. Moreover, in 2014, the President of the United Republic of Tanzania and the President of Zanzibar had declared their intention to achieve universal secondary education. The Government's new education policy would address a wide range of education-related issues, including the protection of girls in schools.

5. The Government of the United Republic of Tanzania was aware of the challenges preventing it from effectively implementing the Convention and its Optional Protocols. It was working to overcome those challenges by allocating more budgetary resources to the ministries and State institutions responsible for children's affairs and by consulting relevant stakeholders, in an attempt to change attitudes towards the traditions, beliefs and customs that had an adverse effect on children's welfare and infringed children's rights. The Government of the United Republic of Tanzania remained committed to promoting and protecting children's rights and would continue to fulfil its obligations under the Convention and other international human rights instruments.

6. **Mr. Mezmur** (Country Rapporteur) said that the enactment of the Law of the Child Act (2009), which was applicable in the mainland, and the Children's Act (2011), which was applicable in Zanzibar, and the fact that the new Constitution elevated the status of children's rights, were all positive developments. He asked whether adequate financial resources had been allocated to the various national action plans aimed at improving the situation of children, such as the Multisector National Plan of Action to Prevent and Respond to Violence against Children (2013–2016), and what the status of implementation of those plans was. He also asked how the new Integrated Early Childhood Development

Policy improved upon the Child Development Policy (2008) and whether it covered childhood care. He wished to know how the State party ensured the effective coordination of activities related to the implementation of the Convention on the mainland and in Zanzibar, and how it prevented duplication of efforts among the different departments, ministries and authorities responsible for children's affairs.

7. The Committee had received reports that the State party remained heavily reliant on donor funding to carry out programmes to protect and assist children. He asked whether those reports were accurate and, if so, how the State party planned to remedy that situation. He would also be interested to know whether the increased budgetary resources allocated to certain sectors took into account the growing number of children in the State party. He invited the delegation to explain why additional budgetary resources had not been allocated to all sectors. He asked whether the State party planned to modify the pre-primary and primary curricula to include a component on the Convention, and what results the various campaigns to raise awareness of the Convention had yielded. He also wished to know whether the State party had taken steps to reduce duplication of efforts in data collection and whether the different surveys conducted by the State party collected comprehensive disaggregated data on children.

8. The Committee had also received reports that the State party often relied upon civil society organizations to provide a number of basic services to children. He asked whether those reports were founded and, if so, why that was the case. He also asked how the State party envisaged improving its coordination with civil society in general. Noting that birth registration remained a serious challenge in the State party, he asked what measures the State party had taken to raise the rate of birth registration, especially in rural areas, and when the proposed amendments to the Birth and Death Registration Act would be adopted, as they could serve to accelerate progress in that regard.

9. **The Chairperson**, speaking in her capacity as Country Rapporteur, said that, despite the enactment of the Law of the Child Act (2009) and the Children's Act (2011), and the adoption of various national action plans aimed at improving the situation of children, the State party still faced many challenges, including the low rate of birth registration, the high rate of preventable maternal and infant mortality and morbidity, the high level of malnutrition among certain groups of children, the barriers to accessing primary education faced by some groups of children, and the prevalence of sexual violence against girls, corporal punishment and harmful traditional practices. More budgetary resources were needed to ensure the effectiveness of the national action plans and other strategies to combat those phenomena. The State party should build the capacity of those responsible for implementing those action plans and strategies and establish effective mechanisms for monitoring and evaluating their impact.

10. **Mr. Kotrane** asked whether the State party intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance or the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

11. Noting that the United Republic of Tanzania had a dualist legal system and that, as a result, international instruments had to be incorporated into domestic legislation and could not be invoked directly before the courts, he noted with concern that some of the provisions of the laws enacted for that purpose, namely the Law of the Child Act (2009) and the Children's Act (2011), were not aligned with those of the Convention. The Committee was particularly concerned by the fact that children as young as 14 could marry with the permission of their parents or a judge, and by the discrepancy between the age of criminal responsibility and the minimum working age established in those laws and those

established in the Convention. He asked whether the State party planned to undertake a further legal reform to bring the two laws into full conformity with the Convention.

12. **Mr. Cardona Llorens**, noting the importance of the revenue generated by the extractive industries in the United Republic of Tanzania, asked whether there was a law on corporate social responsibility that regulated the companies in that sector; how the revenue generated by those industries had benefited local communities; and what measures were in place to ensure that the activities carried out by the companies in that sector did not endanger the safety of the children of those communities or infringe their rights.

13. **Ms. Oviedo Fierro** asked whether the children's councils referred to in paragraph 55 of the State party's report were the same as those referred to in paragraph 58. She asked how the State party ensured the inclusion of children from marginalized groups and different socioeconomic backgrounds in those councils, and how the functions of the child rights committees and children's clubs also mentioned in the State party's report differed from those of the children's councils. She also wished to have details of the functions of the steering committee set up to coordinate the children's councils.

14. She enquired about the impact of the programme broadcast on the radio and on television six times per month in which children could express their opinions and air their grievances to the general public, and whether the Government took account of those opinions and grievances. She also wished to know what measures the State party had taken to protect children who used the Internet and details of the content of the guidelines issued to Internet service providers and owners of Internet cafés. She asked whether the State party had made efforts to raise the awareness of parents of the potential risks associated with using the Internet and whether schools taught children about Internet safety. Lastly, she asked how the laws guaranteeing the protection of children who had been removed from the custody of their parents were applied and how the application of those laws was monitored.

15. **Ms. Winter** requested additional information on the recent spate of murders of persons with albinism. She would also like to know whether the culprits had been identified and brought to justice. Noting that the State party had reduced the level of assistance that it provided to migrants, asylum seekers and long-term refugees on account of the economic crisis, she asked whether it had envisaged taking other less costly measures to assist those vulnerable groups, and in particular young girls, in the interim.

16. **Mr. Gurán** requested additional information on the status and functions of the Commission for Human Rights and Good Governance. He asked whether the Commission could receive individual complaints from children and, if so, how many it had dealt with. He also wished to know how many staff worked for the Commission and whether they had been provided with special training on children's rights.

17. **Mr. Mezmur** requested information on the efforts made by the State party to prevent violence against children, in particular children with albinism. In that connection, he asked how the authorities planned to enforce a recent ban on witch doctors. Comment on seemingly changing attitudes towards corporal punishment, as evidenced by the Government's intentions to abolish corporal punishment in schools, would also be welcome. In addition, he wished to know what steps the Government had taken to implement the recommendations of a comprehensive study of violence against children. The Committee would also appreciate comment on the continued high rates of female genital mutilation, to which girls were being subjected at ever-younger ages, in part, it seemed, because younger girls were less likely or unable to report the practice.

18. **The Chairperson** asked what approaches the State party was taking to combat discrimination not only against children with albinism but also against children with disabilities, pregnant girls and girls with babies.

The meeting was suspended at 3.55 p.m. and resumed at 4.25 p.m.

19. **Ms. Chana** (United Republic of Tanzania) said that implementation of the Convention was coordinated at cabinet level in order to prevent overlapping efforts and budget overruns. The Governments of Zanzibar and the Mainland were represented on a joint coordinating committee. Coordination also involved cooperation with the non-government sector.

20. Greater awareness of the rights of the child in the country had led to greater understanding of those rights. Violence against children, which had once seemed unremarkable, was currently a topic of considerable interest. Corporal punishment, a legacy of the master-slave relationships that had prevailed before independence, remained widespread, including in school. The revolutionary Government of Zanzibar had banned corporal punishment in schools and instituted alternative forms of discipline; on the Mainland, corporal punishment in schools was currently permissible only with the consent of the head teacher, and in no case could it involve the administration of more than three strokes. Ways of abolishing the long-standing practice of corporal punishment altogether were being looked into. First, however, attitudes would have to change. Parents of unruly children, for example, would have to stop giving their children's teachers tacit or even explicit encouragement to discipline them roughly.

21. Article 53 of the country's new Constitution, on which a referendum would be held in April 2015, defined a child as any person under 18 years of age. Once the Constitution was approved, all laws would be amended to ensure that they were not unconstitutional. At that point, it would be possible to address child marriage properly.

22. Companies in the mining industry were socially responsible and supported the communities in the areas in which they operated. In addition, Tanzanian labour law prohibited child labour, and unannounced inspections were carried out to ensure compliance with all laws and regulations regarding child labour.

23. Female genital mutilation was also prohibited by law. Nonetheless, in December and January, when schools were closed for the holidays, parents in rural areas often subjected their daughters to the practice. Just recently, five girls had run away, seeking outside help, to avoid having their genitals mutilated; that girls currently dared run away was evidence in itself of their greater awareness of their rights.

24. **Mr. Cardona Llorens** said that the question about the mining industry did not particularly concern child labour; rather, he wished to know whether the State party had established any standards that required social responsibility of the mine operators and to what degree the inhabitants of the areas affected by large mining developments benefited from the current inflows of foreign direct investment. He also asked what steps the Government was taking to ensure that children were protected from the ills, such as prostitution, that often accompanied the large movements of persons and money that went hand in hand with the expansion of the mining industry.

25. **Ms. Chana** (United Republic of Tanzania) said that she and her delegation had taken note of Mr. Cardona Llorens's questions and would respond in due course.

26. **The Chairperson**, noting that the Committee had received reports of children being subjected to corporal punishment while in police custody, asked whether the laws regarding corporal punishment had been amended and whether non-violent forms of discipline were promoted.

27. **Ms. Oviedo Fierro** commended the bravery of the five girls who had reported their parents' plans to have them undergo genital mutilation but asked what support and protection they had been offered by the authorities.

28. **Ms. Chana** (United Republic of Tanzania) said that the girls had been transferred to single-sex boarding schools. Several such schools had been opened to protect girls from a number of risks, including the risk of unwanted pregnancy. Regarding corporal punishment, she said that teachers did not always respect the conditions under which it was explicitly authorized.

29. **The Chairperson** pointed out that under the Convention, corporal punishment was not to be used, even if it was approved by a head teacher. Strict discipline, which children were known to require on occasion, should take non-violent forms.

30. **Ms. Winter** suggested that the State party would do well to learn from the practices of countries in which teachers had been trained in non-violent disciplinary methods.

31. **Ms. Oviedo Fierro**, returning to her previous question, said that transferring girls to boarding schools could not be anything but a short-term response. Parents' attitudes would have to change. She therefore wished to know whether any public policies with longer-term, farther-reaching goals had been put in place. Without such policies, the only solution would be to send all the country's schoolgirls to boarding schools.

32. **Ms. Chana** (United Republic of Tanzania) stressed that performing female genital mutilation had been made a criminal offence. Rural villagers sometimes asserted that it was a traditional part of the culture, but research had suggested that it was in fact a source of income, especially for older women. Officers of the Ministry of Community Development, Gender and Children, who were available in all villages, therefore provided advice on alternative income-generating activities. In sum, criminalization and efforts to change people's attitudes were the pillars of the country's long-term measures to end female genital mutilation. She agreed that it was important for head teachers to be given training in non-violent disciplinary methods. Corporal punishment was counterproductive, and for that reason efforts were being made to ban its use in schools.

33. **Mr. Missani** (United Republic of Tanzania) said that child protection guidelines had been developed for teachers. It was hoped that within one year the use of corporal punishment in schools would be greatly reduced.

34. Regarding the implementation of the country's plans of action, he said that multi-sector meetings were held every quarter. Every sector dealing with children's affairs attended meetings at which progress was reviewed and potential obstacles were identified. In addition, local committees collected information on families with vulnerable children, which was then used by the Tanzania Social Action Fund to meet those families' needs. A steering committee reported to the Prime Minister on the extent to which the country's plans and strategies had been implemented. Codes of conduct for teachers, which had not been reviewed since 1961, had recently been revised to touch on issues regarding children's rights. Once that work had been done, the Government began considering the possibility of a curriculum review, as part of which children's rights would become a topic of study in primary schools.

35. The Child Development Policy, adopted in 2008, had been reviewed in order to ensure that more emphasis was placed on early childhood development. As part of the policy, prospective parents were currently given parenting advice and training. In all its efforts to improve the lot of children, and especially in the interior, the Government learned from and was greatly aided by NGOs. The latter were also a great source of information on the degree to which the Government's plans and programmes were successful on the ground.

36. In 2012, civil registration of the births of children under 5 years of age had been rendered free of charge in a number of pilot areas. Finding the resources was a problem, but it was expected that the pilot programme would shortly be expanded to other areas. As part

of the birth registration drive, officials visited primary and secondary schools, seeking students whose births had never been registered. The price of birth registration of children over 5 was 7,000 Tanzanian shillings, down from as much as 20,000 Tanzanian shillings previously.

37. **The Chairperson** asked how birth registration proceeded for children over 5. Was a probable age estimated?

38. **Mr. Missani** (United Republic of Tanzania) said that birth certificates were issued based on information provided by the child's parents.

39. **Mr. Mezmur** requested confirmation that birth registration was free for children under 5 in all the country's regions. He also wished to know whether the Tanzanian Government considered empowering local authorities to register births as a challenge. Obtaining birth certificates was often prohibitively expensive for rural families. A comment on whether the Tanzanian authorities had considered mobile registration services would therefore be welcome. Lastly, he said it was his impression that some core activities, such as the provision of psychosocial support services to child victims and witnesses, were being outsourced to NGOs and wondered whether that outsourcing did not pose certain risks.

40. **Mr. Missani** (United Republic of Tanzania) said that in the regions where the pilot programme had been implemented, ward executive officers and clinic officers were responsible for registering births and issuing birth certificates. In those three regions, that responsibility had thus been transferred to local officials. In addition to the price, the need to travel long distances to obtain a birth certificate had been reduced.

41. **Mr. Mero** (United Republic of Tanzania) said that when a baby was delivered, the hospitals and clinics where the delivery took place were required by law to provide a certificate, which was then used to complete registration procedures and obtain an official birth certificate. Even he himself had such a certificate, and he had been born before independence.

42. **The Chairperson** said she took it that Mr. Mero was referring to a document known as a birth extract, which was not the same as a birth certificate. The extract could be used to obtain a birth certificate, and it was of great use, as it obviated the need for a complex examination to estimate the person's age.

43. **Mr. Missani** (United Republic of Tanzania) said that the Government and civil society organizations both worked to address social issues affecting children. Satellite schools had been established in remote areas, and children's councils had also been set up at the ward, district, regional and national levels. A forum specifically for children with disabilities enabled them to express their concerns about various issues, which were then submitted to the National Children's Council. In 2012, the latter had even met with the President to convey children's views on pertinent issues.

44. In some regions, children were effectively participating in local radio and television programmes as a way of voicing their concerns, and staff members of agencies working in the fields of development and social services had been trained in ways of launching and running community radio services. The guidelines prepared for parents to improve their parenting skills included information on teaching children about the proper use of mobile phones and the dangers they might pose. Mobile phones were prohibited in most schools.

45. **The Chairperson** asked whether the guidance provided to parents included information on alternative forms of discipline to be used in lieu of corporal punishment.

46. **Mr. Missani** (United Republic of Tanzania) said that that topic was covered in the guidelines.

47. **The Chairperson** asked whether the Government was taking any steps to prevent child marriage in Tanzania.

48. **Mr. Mezmur** asked the delegation to clarify whether the amendment to the Law of Marriage Act of 1971 would be declared null and void, given that it violated the constitutional provision concerning the definition of the child. He wished to know whether the Government had made any effort to determine the age of victims of mob justice and, if so, whether any of those victims had been under 18 years of age. Lastly, he wished to know the current status of the draft children's policy in Zanzibar and the time frame for its adoption and implementation.

49. **Ms. Khamis** (United Republic of Tanzania) said that the adoption of the policy had been delayed due to discussions on whether or not a separate policy should be drafted on early childhood development. It had been decided that early childhood development issues would be included in the overall children's policy, which it was hoped would be adopted and implemented in 2015. The Government would need support from international development partners to carry out that task.

50. The Government was not outsourcing its responsibilities to civil society organizations but instead worked in cooperation with them to provide services to children in remote areas. In Zanzibar, children were first registered with a local government office, which issued a document that they could submit to the registrar in order to obtain a birth certificate. Data on issues affecting children were collected from a number of government bodies and were reported to the Ministry of Empowerment, Social Welfare, Youth, Women and Children, but there was a need for a centralized database.

51. A committee on violence against children held quarterly meetings to discuss that issue. The Ministry of Empowerment, Social Welfare, Youth, Women and Children included a department that dealt with child protection matters and another that was responsible for child advocacy and awareness-raising on matters affecting children.

52. **Mr. Missani** (United Republic of Tanzania) said that a campaign titled "Child Marriage-Free Zone" had been launched in the Mara region and would be expanded to cover the whole country. The Government used television and radio campaigns and the aforementioned parenting guidelines to disseminate information to parents on protecting their girls from early marriage. A helpline was in place to receive reports about girls at risk of early marriage. Reviews of the Government's work to eliminate violence against children had shown that further efforts were needed with regard to early marriage, and in response the Government was developing activities in that area.

53. **Ms. Oviedo Fierro** asked how children's participation through radio and television programmes was contributing to the elimination of harmful practices such as child marriage and female genital mutilation.

54. **Ms. Mayao** (United Republic of Tanzania) said that a study on violence against persons with albinism had uncovered only 54 genuine cases of such violence. Of those, 5 were still pending, 9 were being heard at the high court level, 3 were being heard by courts of appeal, 4 had resulted in acquittals, 5 had resulted in sentences of life imprisonment, 8 were still under investigation and 20 had been dismissed by the prosecution. Her Government had noted the Committee's concern about the age of majority, which would be set at 18 years of age following the adoption of the proposed Constitution. Traditional healers found to be involved in violence against persons with albinism were facing legal action, and those who were licensed had had their licenses revoked. The Government faced challenges in bringing charges against those healers, as the local communities were generally unwilling to help identify them. Her Government would thus appreciate any recommendations the Committee might have on how to more effectively bring the healers to justice.

55. **The Chairperson** asked whether the Government was taking any initiatives to lower the high maternal mortality rate.

56. **Mr. Mezmur** asked what the Government was doing to ensure that establishments offering residential care for children deprived of a family environment were legally registered and that they complied with the minimum standards of care established by law. Efforts were also needed to ensure that children were placed in such facilities only after an assessment had been conducted by a social worker. He requested statistical data on intercountry adoptions and asked how the Government dealt with intermediaries and issues of improper financial gain. He asked whether the State party intended to ratify the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. He wished to know the status of the proposed regulations on child day care and the time frame for their implementation.

57. He asked what the Government was doing to address the recent decline in primary school enrolment, and he requested updated statistical data on that issue. He welcomed the introduction of an alternative model for secondary education but was concerned that it was not widely accessible to children in rural areas. He asked if there was any legal basis for the expulsion of pregnant girls from school, and he urged the Government to take measures to address the many violations of their rights, including by prosecuting persons who had sexually abused them. He wished to know what was being done to address the shortage of teachers and of textbooks and other materials in schools, particularly in the light of insufficient budget allocations for education.

58. **Ms. Oviedo Fierro** asked what activities had been undertaken to promote breastfeeding as part of the World Breastfeeding Week celebrations. She wished to know more about the role of the High-Level Steering Committee for Nutrition in monitoring the promotion of breastfeeding throughout the country.

59. **Mr. Cardona Llorens** said that children with disabilities continued to suffer from stigmatization, especially in rural areas, and that their parents sometimes chose not to make use of the programmes available out of a sense of shame. He therefore wished to know whether any awareness-raising measures were planned in that regard. He asked whether the Government planned to provide early diagnosis programmes free of charge through the public health-care services. He wished to know how many children with disabilities attended school, and how many of those received inclusive education in mainstream schools. The progress made in reducing child mortality appeared to have slowed in recent years, and he asked what was being done to address that situation. He also asked whether sexual and reproductive health education was provided to young people so as to prevent teen pregnancy.

60. He was concerned by reports indicating that children as young as 8 years old were working in the small-scale mining industry, and he wished to know how much money the Government planned to invest in programmes to ensure that families had sufficient economic resources so that they would not have to send their children to work in the mines. Mining practices involving tasks that could only be performed by small children should be prohibited, and he asked whether inspections were carried out in that regard.

61. He asked how many juvenile detention centres were operating in the country and whether children were placed in detention together with adults. He wished to know whether judges could hand down sentences that included corporal punishment. Lastly, he asked whether the Government planned to expand the specialized juvenile court system to cover the whole country.

62. **Ms. Al-Shehail** asked what measures were being taken to provide adequate nutrition training to health-care staff, enact legislation to create a supportive environment for better nutrition, and allocate resources to local governments to address gaps in knowledge about

nutrition. She wished to know the reasons for the shortcomings in the health-care system and asked what was being done to improve health-care services for children. Lastly, she wished to know about any measures to prevent drug abuse among children and to support children recovering from addiction.

63. **Mr. Kotrane** said that the Committee was concerned about the economic exploitation of children in Tanzania and asked what mechanisms were in place to monitor the situation, noting that the labour inspectorate did not always have access to the sectors in which the most flagrant violations occurred. He asked what steps were planned to address the issue of street children and noted that those children should be treated as victims rather than criminals. The recruitment of children into armed conflict was a separate issue from that of child labour and should be classified as a separate offence.

64. He asked whether all provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been incorporated into national law. He was concerned by the fact that, while recognizing the principle of extraterritorial competence, the State party did not apply that principle to all offences referred to in the Optional Protocol.

The meeting rose at 6 p.m.

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1945th (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Friday, 16 January 2015, at 10 a.m.

Chairperson: Ms. Sandberg

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Combined second and third periodic reports of the Gambia (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties (*continued*)

Combined second and third periodic reports of the Gambia (continued)
(CRC/C/GMB/2-3; CRC/C/GMB/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Gambia took places at the Committee table.*

2. **Ms. Secka** (Gambia), responding to questions raised at the 1943rd meeting, said that unaccompanied minors on the move in the Gambia were placed in the care of the Department of Social Welfare. As most of the children were from Liberia and Sierra Leone and both those countries were fellow members of the West Africa Network for the Protection of Children, the usual procedure was to contact the Network focal point in the child's country of origin to assess the possibility of family reintegration. If reintegration was not possible or considered contrary to the child's best interests, an alternative placement would be sought. The West Africa Network provided funding and support throughout the process, thereby protecting children against the risk of trafficking. The Network focal points met annually to discuss strategy and how to improve protection.

3. To combat corruption, the Government had adopted an Anti-Corruption Act and established an anti-corruption commission. The National Assembly's public finance committee scrutinized budget implementation in all public institutions, and legal proceedings were initiated when irregularities were identified. Taking a longer-term perspective, the authorities were working with schools and children's associations to develop life skills and raise awareness of the value of work and learning.

4. Responding to a series of questions from **the Chairperson** concerning trafficking in human beings and the lack of investigations and prosecutions thereof, she confirmed the existence of a law against trafficking in persons, a national anti-trafficking agency and a national plan of action against trafficking. The Government reported annually to the counter-trafficking unit of the Commission of the Economic Community of Central African States (ECOWAS) on progress made and measures adopted. Such measures included awareness-raising campaigns and training for border control officers. To support that work, community-level child protection committees which monitored the movement of children in high-risk border areas had been established. The movement of unaccompanied minors in airports was also tightly monitored and the country's airports were extremely secure. The problem of internal trafficking had been largely resolved as a result of a funding project which had brought *talibes*, or children under local Islamic tutelage, back to school and put an end to their itinerant lifestyles.

5. No trafficking cases had been taken to court, because there had been insufficient evidence to prosecute, but all cases were duly investigated. An inter-agency task force which included police and child protection officers met monthly to discuss strategy and share information. Police officers also met monthly with the focal points of the West Africa Network and worked closely with local authorities. Thus, the focus was on awareness-raising, prevention and protection rather than prosecution.

6. The definition of trafficking in human beings established in the Trafficking in Persons Act 2007 encompassed all forms of trafficking, including trafficking for purposes of sexual exploitation or labour.

7. **Mr. Gastaud** asked whether adequate measures had been adopted to ensure that street children were removed from the streets and returned to school, whether the practical measures were accompanied by awareness-raising and support to address the root causes of the problem and what became of street children who were foreign nationals. He also

enquired whether parents and educators respected children's right to participate in sports and leisure activities, as established in section 16 of the Children's Act, or whether, instead, children were routinely required to work in the fields or otherwise assist their parents at the end of the school day.

8. **Ms. Secka** (Gambia) said that all carers and parents were aware of the right to leisure, and children were encouraged to participate in extracurricular activities. Responding to a question from **Ms. Muhamad Shariff**, she confirmed that parents who failed to send their children to school were considered to be acting against the child's best interest and could face legal action. No prosecutions had been brought to date as the relevant provisions had been introduced only in September 2014.

9. **Ms. Herczog**, pointing out that if children were likely to face abuse or discrimination at school, then parents might justifiably be unwilling to send them there, asked what was being done to guarantee a friendly and welcoming school environment for all. That was all the more important since corporal punishment was permitted by law in the Gambia.

10. **Ms. Secka** (Gambia) said that focal points were being trained to monitor conditions in the schools in vulnerable communities, and that approach would ultimately be extended nationwide. The aim was to make the school environment safe, protective and as conducive to learning as possible. Teachers who violated children's rights were prosecuted. A dedicated girls' education unit and numerous mothers' clubs had been established to promote girls' enrolment, and a child protection communications strategy had been developed to foster cooperation between community actors and child protection agencies.

11. Responding to a question from **the Chairperson**, she said that children could still be seen in the street in the Gambia during the day, but they returned to their families at night. Most of the children were sent into the streets to earn money. Campaigns were under way to make parents aware of the importance of school attendance: the aim was to have all children off the street and in school by September 2015. Street children who were foreign nationals were placed in care homes or foster families in the Gambia if appropriate care could not be found in their country of origin.

12. **The Chairperson** asked for an update on the ratification of the Convention on the Rights of Persons with Disabilities and the State party's plans, if any, for ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

13. **Ms. Secka** (Gambia) said that, following certain administrative delays, the instrument of ratification of the Convention on the Rights of Persons with Disabilities had been formally deposited with the United Nations in recent weeks, as had the ratification instrument for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Optional Protocol on a communications procedure would certainly be ratified but no time frame had been set. The authorities were at present working to ensure the timely submission of all reports pending under duly ratified treaties.

14. **Ms. Muhamad Shariff** (Country Rapporteur) said the fact that nine executions had been carried out in the Gambia in 2012, after a moratorium of nearly three decades, was of grave concern, all the more so since family members had apparently not been informed in advance. Clarification regarding procedures for communication with the families of death row prisoners would therefore be appreciated. She also wished to know: whether it might be possible to amend the Children's Act to exclude women with small children from the death penalty; whether data were collected about parents on death row with children; whether those children received support and assistance; whether the best interests of the child were taken into account in criminal proceedings involving parents; and how the State

party ensured that children of convicted parents did not suffer discrimination. Lastly, she asked for comments on reports that the President of the Gambia was launching a treatment programme that allegedly offered a cure for HIV/AIDS and other incurable diseases such as breast cancer.

15. **Ms. Secka** (Gambia) said that there were no children on death row and no child had ever been executed. Children whose parents were involved in criminal proceedings were supported throughout. If a child's parent received the death penalty, psychosocial counselling and educational assistance were provided.

16. A traditional medicine-based treatment programme would indeed be launched in the near future. Traditional medicine was an integral and accepted part of Gambian health policy, but she could not comment on the content of the programme or the expected outcomes.

17. **Ms. Herczog** asked whether there was evidence to substantiate the President's claim that traditional medicine could be used as an effective cure for HIV/AIDS and some forms of cancer and whether persons afflicted with those diseases had access to other, more conventional forms of treatment.

18. **The Chairperson** asked whether the campaign promoting traditional medicines as a cure for HIV/AIDS was still going on.

19. **Ms. Secka** (Gambia) said that traditional medicines were offered alongside conventional forms of treatment to patients with HIV/AIDS or breast, cervical or prostate cancer. Patients could choose the most appropriate treatment option and were not forced to use traditional medicines. Ongoing information campaigns about both traditional and conventional medicines enabled patients to make an informed decision on their treatment options. The country received support from the Global Fund to Fight AIDS, Tuberculosis and Malaria for HIV/AIDS treatments and from other international partners for cervical, breast and prostate cancer treatments. Health experts were invited regularly on national radio to discuss cancer and HIV/AIDS treatment options, and a mobile screening unit for cervical and breast cancer had recently been introduced.

20. **The Chairperson** asked whether the Government had yet adopted the National Plan of Action to Combat Female Genital Mutilation.

21. **Ms. Secka** (Gambia) said that the Government had adopted the plan of action and had established a working group to monitor its implementation.

22. **The Chairperson** expressed concern at the low staffing levels within the special needs education unit, the absence of ramps in older school buildings, the lack of training on disability issues for teachers and the failure to provide access to education for children with disabilities in rural areas. She asked what measures would be taken in future to improve access to mainstream education for children with disabilities and what proportion of the national budget was currently allocated for that purpose.

23. **Ms. Secka** (Gambia) said that the Government intended to increase the number of special needs schools for children with disabilities, particularly in rural areas, and would ensure that older schools were fitted with ramps. The special needs education unit held regular intersectoral meetings on disability issues and received support from other government ministries. The Ministry of Education intended to train more teachers on disability issues to enable more children with less severe disabilities to attend mainstream schools. The Government also received support from the United Nations Children's Fund (UNICEF) and other bilateral partners to ensure that children with disabilities had access to education.

24. **Mr. Gastaud** asked whether children could exercise their right to freedom of association and requested further information on the number and type of children's associations in the Gambia.

25. **Ms. Secka** (Gambia) confirmed that children could fully exercise their right to freedom of association. The Government as well as NGOs provided significant technical and financial support to children's associations and encouraged children to participate actively in national discussions on a variety of child welfare issues.

26. **The Chairperson** asked whether the Government provided identity documents to young refugees arriving in the Gambia as well as to children born to refugee parents in the Gambia.

27. **Ms. Secka** (Gambia) said that children born to refugee parents in the Gambia were eligible for Gambian birth certificates.

28. **Ms. Muhamad Shariff**, noting that there was a large backlog in birth registrations, asked what measures had been taken to address the issue and ensure the prompt registration of all births in future.

29. **Ms. Secka** (Gambia) said that the Birth Registration Programme had been introduced to address the backlog; it comprised awareness-raising campaigns on the importance of prompt birth registration. Birth registration had also been made a key priority under the National Social Protection Policy.

30. **The Chairperson** asked whether the National Social Protection Policy had already been adopted, whether it was well suited to addressing child welfare issues and whether the Government had sufficient funds for its implementation.

31. **Ms. Secka** (Gambia) said that the policy had recently been finalized and would soon be put before Parliament. There was widespread support for the policy at all levels; in his recent address to the nation, the President had expressed his unwavering commitment to the full implementation of child-friendly social protection measures. The policy had been subjected to lengthy and in-depth negotiations and consultations at the local and national levels and took into account the views and wishes of children's and women's groups and traditional community leaders. The Government and its international partners were satisfied with the contents of the policy, which would ensure the promotion and protection of children's rights across the country. At a recent social protection forum, delegates from a variety of countries had agreed to provide support for the policy over the course of the next three years. Implementation of the policy would require only a slight increase in GDP spending on social welfare, from the current level of 2.2 per cent to around 3.4 per cent, a domestic funding effort that would be supplemented by the international support that had been pledged.

32. **Ms. Khazova** asked whether the Government faced any strong opposition in its efforts to fully implement the Convention and protect and uphold children's rights. She also wished to know whether the general public had reacted favourably to the changes made to domestic legislation in respect of children's rights.

33. **Ms. Secka** (Gambia) said that there was a strong political will to fully implement the principles and provisions of the Convention. The Government had come across some reluctance in traditional, rural communities, but the National Child Protection Strategy contained awareness-raising and training measures which would help to bring about a change in societal attitudes and ensure respect for children's rights.

34. **Ms. Herczog** (Country Rapporteur) congratulated the State party on its achievements in the area of child health and education and on the general implementation and awareness-raising measures taken. However, additional efforts would be required

before the Convention could be fully implemented, including the development of a more comprehensive system for upholding children's rights and strengthened coordination between all relevant stakeholders. Child protection concerns had also yet to be addressed, in particular regarding the elimination of traditional cultural practices which negatively affected children's health and day-to-day lives. Children made up almost half of the population, and work to improve their well-being would greatly impact on the future success and prosperity of the country.

35. She urged the Government to take the necessary steps to ensure that the National Commission on Children's Rights assumed its functions at the earliest possible opportunity and to guarantee that the new domestic legislation on children's rights was effectively implemented, an endeavour in which improvements in data collection would play a key role. Efforts must also be made to uphold the rights of the most vulnerable children in society, including children with disabilities and child refugees, and to improve cooperation with NGO workers and human rights defenders.

36. **Ms. Secka** (Gambia) said that her country remained fully committed to implementing the Convention and would take appropriate steps to promote and protect children's rights. The Government looked forward to receiving the Committee's concluding observations.

37. **The Chairperson** thanked the delegation for participating in such a constructive and fruitful dialogue and urged it to continue working towards the full implementation of the Convention.

The discussion covered in the summary record ended at 11.00 a.m.

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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1946th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Friday, 16 January 2015, at 10 a.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

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Combined third to fifth periodic reports of the United Republic of Tanzania (continued)

This record is subject to correction.

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The meeting was called to order at 10.05 a.m.

Consideration of reports by States parties (*continued*)

Combined third to fifth periodic reports of the United Republic of Tanzania (continued) (CRC/C/TZA/3-5 and CRC/C/TZA/Q/3-5)

1. *At the invitation of the Chairperson, the delegation of the United Republic of Tanzania resumed places at the Committee table.*

2. **Ms. Chana** (United Republic of Tanzania), replying to a number of questions raised at the 1944th meeting, said that industrial investment was regulated by the Tanzania Investment Act as well as by national and local by-laws which required that consideration be given to an investment's impact on the environment and residents of the area concerned. Investment policy laid down guidelines covering, inter alia, the mining sector. The Tanzania Social Action Fund made provision for a long-term scheme designed to increase the income of families with vulnerable children. A child protection committee had been established in every district, and labour inspectors checked on conditions in mines. The public-private partnership policy required companies to show that they assumed corporate social responsibility, for example by funding schools, water and electricity supplies or health facilities in the area in which they were located.

3. Members of the police were trained to handle cases involving child victims and children in conflict with the law. To that end, a standard operating procedure had been devised to guide police officers on how to deal with children in police custody without resorting to corporal punishment. Instances of mob justice were under investigation.

4. Dispensaries were being built in every village in an effort to reduce maternal mortality. Solar panels were being installed in primary health-care units in order to provide them with a reliable source of electricity. There were plans to increase community-based services, invest in the care of newborn babies, build the capacity of health-care workers in that sphere and provide medical equipment and supplies. Obstetric care was being scaled up by permitting assistant medical officers to perform surgery. Delivery services were provided free of charge. The law required all children to be immunized soon after birth in order to reduce infant mortality rates; vaccinations were provided free of charge. National health insurance had been introduced, and community health funds had been set up.

5. Community radio was used to convey the message that female genital mutilation and early marriage were wrong. The Ministry of Community Development, Gender and Children and the United Nations Children's Fund (UNICEF) had trained community development and social welfare workers to prepare community radio programmes on the subject. A mass media campaign against child marriage had been launched in August 2014.

6. Guidelines had been issued and regulations had been adopted in order to ensure that children's homes were registered and run in accordance with the law. Minimum operating standards had been distributed to every district. All districts had social welfare workers who periodically inspected residential homes in order to ensure that they complied with those standards and with child protection regulations. Children's homes were registered with the Ministry of Social Welfare.

7. The regulations on adoption which had been passed in 2012 also encompassed adoption procedures. Regulations on preschool and day-care centres had been adopted in 2012. Although school enrolment rates had dropped between 2010 and 2012, they had risen again in 2013 and 2014. Fees for State primary and secondary schools would be abolished in 2015. Secondary schools would be built in every ward. Folk development colleges and vocational colleges would be opened in every region to cater for young people in rural areas who were more inclined to study scientific and technical subjects.

8. In Zanzibar, girls who had given birth were reinstated in school three months after delivery. On the mainland, no child could be expelled from school on any grounds whatsoever, including pregnancy. Alternative education was another option open to pregnant teenagers. Administrative and legal sanctions could be imposed on teachers who fathered children on schoolgirls. Under the revised code of ethics and conduct, a teacher was liable to prosecution for any violation of a schoolchild's rights and could be dismissed and banned from teaching for life. A guide on the protection of schoolchildren had been drawn up.

9. In order to overcome the shortage of teachers, the Government provided trainee teachers with loans which completely covered their tuition fees. Teachers were guaranteed employment when they graduated, and homes were built for teachers in rural areas. Those working in remote areas also received a special allowance and various extra ancillary benefits. In addition, teachers could obtain loans on preferential terms. The ratio of teachers to pupils had improved in the period from 2012 to 2014 as a result of those measures. A change in teaching methodology had made it possible to reduce the number of books required in the classroom. Many schools had started to use learner-centred methods which allowed children to participate in planning classroom activities. The pass rate had improved significantly as a result of investment in parents' supplementary studies and the use of participatory methods.

10. During World Breastfeeding Week, seminars were held to raise awareness of the importance of breastfeeding and the consequences of not doing so. Trainers were trained to show mothers living with HIV/AIDS how to breastfeed without transmitting the virus. Other activities focused on familiarizing mothers with the International Code of Marketing Breast-milk Substitutes. The role of the High-Level National Nutrition Steering Committee was to ensure that every district had a nutrition focal point and that the district council allocated resources to nutrition programmes to avoid malnutrition caused by protein deficiency.

11. Her country maintained a register of persons with disabilities. The Law of the Child Act of 2009 and the Children's Act of 2011 emphasized the need to protect children with disabilities. A community awareness-raising programme, inclusive education and the increased enrolment of specialized teachers were all means to that end. Role-play and mass media campaigns were used to heighten awareness of the need to counter the stigmatization of people living with HIV/AIDS. The Government had issued guidelines to parents to enable them to identify children with special needs at the earliest possible stage. Figures on school attendance by children living with disabilities were contained in Annex 7 to her country's report.

12. Families could receive support from microfinance programmes and unconditional cash transfers through various different projects in order to help children leave mining and engage in other activities.

13. A five-year strategy had been introduced to reform juvenile justice. A community rehabilitation programme had been established, young people could be placed on probation, and any premises could be used for juvenile courts. The Drug Control Commission had been set up to address the problem of drug abuse among young people, and sober houses had been established to help them to kick the habit. Drug abuse was an offence for which bail was not granted. Children participated, through children's councils, in helping to persuade street children to end a life of vagrancy and had also contributed to the study leading to the community plan of action.

14. The Law of the Child Act, the Children's Act and the Broadcasting Act all prohibited child pornography. An anti-trafficking committee had been set up and a road

map and an action plan had been devised for the period 2011–2015, as part of measures to implement the Anti-Trafficking in Persons Act.

15. **Mr. Cardona Llorens** said that, as the implementation of legislation depended on the availability of sufficient economic, human and material resources for that purpose, he wished to know what budget had been allocated to the various awareness campaigns mentioned, and what resources had been earmarked for eliminating the stigmatization of persons living with HIV/AIDS. What specific training in inclusive education was given to teachers? How many specialized teachers were employed in schools? What investment had been made to adapt schools to the needs of pupils with disabilities?

16. **Ms. Winter** asked whether there was any programme to guarantee the basic human rights of girls in refugee camps. Was there any possibility that the legislation would be revised to shorten periods spent in pretrial detention? Could the highly successful community rehabilitation programme run by the Department of Social Welfare in one province be extended to other provinces? Were there any plans to have that department take over all juvenile detention centres? She requested data on children in street situations and asked whether there was any possibility of reuniting such children with their families.

17. **Ms. Oviedo Fierro** wished to know how mothers who gave birth without medical assistance could be taught how to breastfeed correctly. What measures were taken to regulate the sale of infant formulas, and to inform mothers how to choose the most appropriate breast-milk substitute?

18. **Mr. Gurán** requested more information on programmes to support preschool education. What was the status of the Children's Ombudsperson?

19. **The Chairperson** emphasized the benefits to mother and child of breastfeeding within a short time of delivery and asked whether any initiatives had been taken to support breastfeeding from birth for a full two years. Did health professionals receive training in that respect? What measures were in place to implement the International Code of Marketing of Breast-milk Substitutes? Were there any controls on the advertising and marketing infant formula? Could infant formula be advertised in hospitals? In addition, she asked the delegation to indicate the coverage provided by skilled attendants at birth, and whether traditional midwives received any training to assist with home births. What programmes were in place to facilitate access to family planning services?

20. **Mr. Mezmur** asked whether the law explicitly prohibited the expulsion of pregnant girls from school. Was it true that compulsory pregnancy tests were carried out on girl pupils? He wished to know how many children had been imprisoned with their parents. Could children visit their parents in prison?

21. **Mr. Cardona Llorens**, referring to reports that large numbers of albinos had been murdered, dismembered and eaten and that albino children were sometimes singled out for special punishment, enquired whether practical steps had been adopted to eradicate such practices and, also, to end the stigmatization of albinos.

22. **The Chairperson** said that adolescent girls' education was often interrupted due to pregnancy. She wished to know whether adolescents had access to confidential health services, and whether they could obtain contraceptives without being accompanied by their parents. Confidential, child-friendly health services, including HIV/AIDS testing, should be provided.

23. **Ms. Khamis** (United Republic of Tanzania) said that the Government did not provide condoms or contraceptives for adolescents, but was trying to raise awareness of ways to prevent HIV/AIDS and pregnancy.

24. **Mr. Missani** (United Republic of Tanzania) said that the Government had developed child protection guidelines that banned compulsory pregnancy tests for girl pupils and that teachers were being trained in the application of those guidelines. Furthermore, health education was provided to adolescent girls to help prepare them for the changes associated with puberty, and counsellors were available to assist them.

25. Referring to a question posed by Mr. Gurán, he said that the Government offered grants to support children in preschool education. It had also issued national guidelines on early childhood development programmes and preschool education with a view to regulating programmes offered by private and faith-based organizations.

26. In response to various issues raised by Committee members, he said that various programmes and campaigns had been established to raise mothers' awareness of the benefits of breastfeeding and to teach them how to breastfeed correctly. Both the Tanzanian Food and Drugs Authority (TFDA) and the Tanzania Bureau of Standards regulated and screened food for children and infants. Moreover, the TFDA encouraged mothers to breastfeed rather than use infant formula.

27. Children whose parents were in prison would either be placed in designated facilities that offered them comprehensive services or be sent to live with relatives who would care for them. Lastly, the Government was working with NGOs to help street children reunite with their families, return to school or attend folk development colleges for further vocational training.

28. **The Chairperson** asked whether training was provided to traditional birth attendants. Noting that maternal mortality was an issue, she wished to know how the Government ensured that mothers who gave birth at home did so safely.

29. **Mr. Missani** (United Republic of Tanzania) said that traditional birth attendants received training, but that women were encouraged to deliver in health centres or clinics where they could receive proper care.

30. **Mr. Gurán** invited the delegation to specify the duration of the period for which grants were provided to children enrolled in preschool education.

31. **Mr. Missani** (United Republic of Tanzania) said that preschool education lasted for two years and that the grants funded learning and teaching materials.

32. **Mr. Daud** (United Republic of Tanzania), addressing the issue of pretrial detention, said that the Government recognized that children in detention required protection and was trying to raise awareness in that regard among law enforcement officials. The Juvenile Offenders Act was being reviewed to ensure that children were placed in detention only as a last resort, and efforts were under way to streamline proceedings so that children were not detained for more than 6 months.

33. A prison register had been developed that would help the Government to monitor the number of children who were in prison with their parents. Moreover, the child protection system was being reformed in order to ensure that such children had access to normal services.

34. With regard to the education of pregnant girls, he said that some parents worried that their daughters would be stigmatized at school because of their pregnancy. The Government was trying to raise awareness of that issue and to help girls attend the school of their choice after delivery.

35. **Ms. Mayao** (United Republic of Tanzania), referring to questions raised by Ms. Winter, said that a study in 2012 had shown that the Government had managed to reunite more than 500 street children with their families. With respect to children held in pretrial detention for long periods, the delays in proceedings were often due to a lack of evidence.

Her delegation had taken note of the Committee's concerns in that connection and her Government would take appropriate measures.

36. **Ms. Winter** said while any improvements to the system of gathering evidence would be welcome, the Government should also consider alternatives to pretrial detention, such as diversion programmes.

37. **Ms. Mayao** (United Republic of Tanzania), with reference to questions raised by Mr. Cardona Llorens, said that the Government had commissioned a study on crimes against persons with albinism and that the public prosecution service had verified only 54 cases. In those cases, 36 persons with albinism had been killed, 12 had survived, 2 had been injured, 2 had escaped attempted trafficking and 2 had disappeared. Five of the perpetrators had been sentenced to life imprisonment, 8 suspects were still under investigation and another 17 were before the courts.

38. **Ms. Winter** said that the issue of albinism was a significant problem that was undermining respect for the country in the rest of the world. The real issue seemed to be the belief that ingesting flour made of the bones of persons with albinism brought wealth and good fortune; until such beliefs were addressed, the problem would not stop. Was the Government taking action to combat those superstitions?

39. **Ms. Mayao** (United Republic of Tanzania) said that the Government was trying to raise awareness in the relevant regions in order to change people's attitudes and encourage them to report any suspicious activity. It continued to face challenges, however, including the fact that families would sometimes conceal evidence.

40. **Mr. Mezmur** said that according to unconfirmed sources, private schools were flourishing and were not sufficiently regulated, which might undermine the provisions of articles 28 and 29 of the Convention. He wished to know how the Government regulated private schools, and whether schools could ask for contributions or charge students for supplies such as uniforms, which might prevent parents from being able to send their children to school.

41. **The Chairperson** asked how the issue of female genital mutilation was being addressed and said that a comprehensive approach was needed. She also wished to know how discrimination against children with albinism was being dealt with. Noting that children with albinism were sometimes placed in protective shelters, she asked whether they could choose to remain with their families and still receive protection. Finally, she asked what steps were being taken to tackle underage marriage, which had a significant impact on girls.

The meeting was suspended at 11.35 a.m. and resumed at noon.

42. **Ms. Chana** (United Republic of Tanzania) said that the largest budget allocation for 2013/14 had been to education. Primary and secondary State education was free, and private education was available at all levels. However, all pupils followed the same nationally-set curricula and sat the same exams. The Government was considering harmonizing fees for private institutions.

43. **Mr. Missani** (United Republic of Tanzania) said that most teachers in the private sector were returning to public schools, as the Government was increasing salaries and offering better benefits compared to private schools.

44. **Ms. Chana** (United Republic of Tanzania) said that her country had a comprehensive approach to combating female genital mutilation. That approach included identifying likely practitioners and raising awareness among them about the dangers involved, including through training given by police working on gender issues. It also included asking those who had been persuaded to stop performing female genital mutilation

to persuade others to stop, providing alternative sources of income for practitioners, criminalizing the practice under the Criminal Code and prosecuting offenders through the courts. Lastly, children were encouraged to report instances of female genital mutilation to the authorities.

45. Efforts to prevent violence against children with albinism included banning witchcraft, in order to address the belief perpetuated by fortune tellers that obtaining the body part of a child with albinism could bring prosperity, and organizing secret ballots to allow local inhabitants to identify fortune tellers to the authorities. Reprisals by the families of persons with albinism who had been attacked were prevented through the compulsory relocation of suspected fortune tellers. In addition, a form of community policing known as "participatory security and protection" had been introduced, in which groups of young people were directed to ensure the security of particular streets or areas. At the same time, shelters were provided for children with albinism and albinism-related violence was established as a criminal offence. Prosecutions to date had resulted in the imposition of life sentences and the death penalty. The death penalty had a deterrent effect, which stood as an argument against those who campaigned to ban capital punishment.

46. The Constitution had been amended to define a child as someone under the age of 18 years. It was hoped that other legislation would be amended in line with this definition. The marriage of persons under that age was not allowed in churches or registry offices. Underage marriage therefore happened only in the context of unofficial, traditional or clandestine marriages. The delegation would welcome the Committee's advice on how to address the challenges posed by the fact that persons under the age of 18 years did engage in sexual activity but were not allowed to marry.

47. **Mr. Cardona Llorens** said that capital punishment was unjustifiable in all cases. The Committee would never call for the death penalty, including for crimes committed against children.

48. The Committee had watched a film about shelters for children with albinism in the State party; its depiction of child neglect had made some members of the Committee cry. The State party must ensure better monitoring of such shelters.

49. **Ms. Chana** (United Republic of Tanzania) said that the delegation would inspect some such shelters on its return to Tanzania. It would also ensure more frequent monitoring, so that the rights of children living in shelters were respected.

50. **The Chairperson** said that the aim should also be to reunify children in the shelters with their families when it was safe to do so.

51. **Mr. Missani** (United Republic of Tanzania) said that in order to reduce the numbers of unqualified staff in preschool education, the Government had opened six State-run colleges and had recognized some private institutions, all of which trained staff in early years education.

52. **Mr. Mezmur** said that, during parliamentary debates prior to the enactment of the Law of the Child Act, it had been proposed that provisions to regulate certain police activities should be included, especially in relation to dealing with street children. Now that the Act was in force, what action had been taken to prevent law enforcement officials from mistreating children?

53. **Mr. Missani** (United Republic of Tanzania) said guidelines had been developed to help change the way police worked with children. More than 400 officers had received training on working with children to date; that training was continuing, especially for those in regular contact with children. The Government had run training sessions on the Law of the Child Act for law enforcement staff in five areas of the country; those who had been trained had passed on their knowledge to colleagues. In addition, the Act had been

translated into Kiswahili, and a child-friendly version had been produced in cooperation with UNICEF.

54. **Mr. Mezmur** said in conclusion that he wanted to thank the delegation for its answers. The fact that the delegation included ministerial-level representation would ensure that the Committee's recommendations were heard in political circles and acted upon.

55. Both the legislative and non-legislative action taken recently had been positive. It was encouraging that the Law of the Child Act and the Children's Act were in force on the mainland and in Zanzibar, respectively. However, much remained to be done to implement the Convention. He asked whether implementation, resource allocation and evaluation might be improved if human rights policy were made a union matter.

56. Strong political will had been shown in the production of a recent study on violence against children; it was important that the impetus generated by that report was maintained.

57. There was concern over whether the budget increases allocated to children's issues would be incremental in real terms, especially when considered alongside increases in GDP and the challenges posed by the fact that over 50 per cent of the population was under 18 years of age.

58. There remained room for significant improvement in birth registration. The Committee would also like to see further progress towards the prevention of corporal punishment, although the most recent universal periodic review had indicated that encouraging progress had been made. The seven African countries that had already explicitly banned corporal punishment might provide useful insights.

59. The State party was clearly aware of the issue of albinism, which was being discussed at various international bodies including the Human Rights Council. Resolutions from those bodies could help to improve matters further for the children affected, as could the effective implementation of the national ban on witchcraft.

60. With regard to increasing the funding of health care for children, he observed that it was for the Government to tackle that issue collectively.

61. Lastly, he noted that the issues raised regarding juvenile justice during the dialogue had included violence against children in conflict with the law and children in prison with their mothers.

62. **The Chairperson** said that however good government programmes were, only the engagement of families and the wider community would lead to effective implementation of the Convention.

63. **Ms. Chana** (United Republic of Tanzania) said that the Government was determined to review the issues that could be improved, so that children in her country could thrive and grow to their full potential.

64. **The Chairperson** said she wished to thank the members of the delegation for their cooperation and hoped that their work to help children in their country would continue.

The meeting rose at 12.50 p.m.